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THE NEW REPUBLIC

DOES SCIENCE NEED CLONING?
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DOES SCIENCE NEED GOD?
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THE EMERGING DEMOCRATIC MAJORITY

John B. Judis and Ruy Teixeira

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The FDA has said...

"[Reimportation] would actually create an incentive for unscrupulous individuals to find ways to sell unsafe or counterfeit drugs that, while purported to be from Canada, may actually originate in any part of the world."

"... the threat does not depend upon the nature of the re-imported product, but upon the integrity of those handling it."

[The current] "closed regulatory system has been very successful in preventing unapproved, adulterated or mis-branded drug products from entering the U.S. stream of commerce. Legislation that would establish other distribution routes for drug products, particularly where those routes routinely transverse a U.S. border, creates a wide inlet for counterfeit drugs and other dangerous products that are potentially injurious to the public health and a threat to the security of our nation's drug supply."

—Lester M. Crawford, D.V.M, Ph.D.
Deputy Commissioner
Food and Drug Administration
Department of Health & Human Services
July 17, 2002

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THE NEW REPUBLIC

A Journal of Politics and the Arts

WASHINGTON, D.C.
AUGUST 5 & 12, 2002
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CORRESPONDENCE

Deterrence strategy

TO THE EDITORS:

Fingerprinting may not work to deter the entry of terrorists into the United States, as Noam Scheiber suggests, but neither will any of the other suggestions made in his article ("Finger Tip," June 24). The so-called circumvention of the visa process and Visa Express are actually the result of reciprocal arrangements made with other countries to facilitate tourism and business visits. If we stop them, our tourism and trading partners will compel Americans to go through the visa process to visit them, thereby adversely impacting international trade and tourism.

The stark fact is that none of the suggested ways of stopping terrorists from entering the country are likely to work for the simple reason that a sophisticated terrorist organization would not use suspected terrorists to carry out their plans. The real danger comes both from those who arrived in this country years ago and those who can legitimately pose as tourists or businesspeople with clean records. Thus the best way to defend against terrorism in the United States is to do exactly what we are now doing: maintaining a high level of security at strategic points where terrorism is most likely to occur, such as airports, nuclear power plants, bridges, and the like. This will never stop all terrorism—nothing will—but it is the best way to deter as much of it as possible.

STANLEY HARRIS
Tamarac, Florida

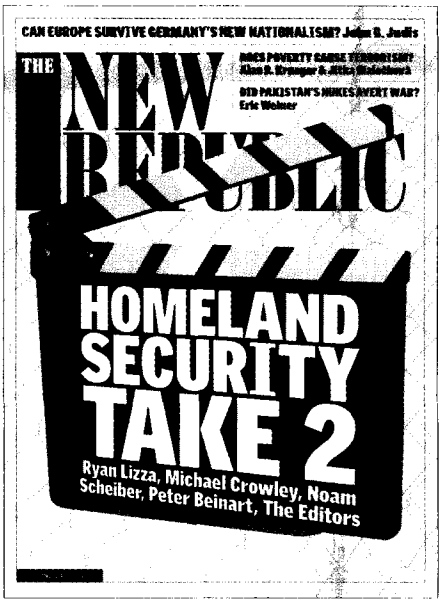
Union made

TO THE EDITORS:

I would suggest that John B. Judis dig a little deeper into German history, perhaps as far back as the 1930s and even the 1870s, in order to understand and explain the problems that crop up whenever German reunification takes place ("Domestic Threat," June 24). Jews are more aware than most of the true dangers and horrors of German unity, having experienced them firsthand at the hands of "*Ein Reich, Ein Volk, Ein Fuhrer*." In fact, Europe as a whole has suffered through at least three of the most destructive wars in its history as a result of German "unity."

KENNETH S. BESIG
Kiryat Arba, Israel

The editors welcome correspondence from readers. Please address letters to Correspondence, TNR, 1331 H Street NW, Washington, D.C. 20005 (letters may also be sent electronically to tnr@aol.com). All letters should include the writer's full name, address, and telephone number; be typed double-spaced; and be fewer than 200 words. Letters may be edited for space and clarity. Please do not send letters via fax.



TO THE EDITORS:

I am rather dismayed at Judis's insistence that Pim Fortuyn belongs in the same company as men such as Jean-Marie Le Pen or Joerg Haider. It is, quite frankly, due to intellectual laziness and a lack of journalistic integrity that allows the press to continually portray the man as a right-wing zealot. Based upon my understanding of Fortuyn's position regarding immigration, his overriding concern was due to the conservative beliefs of the Muslim religion. He viewed Muslim beliefs as a threat to his homosexuality. As a gay man myself, I can certainly understand his concern. Stop painting everyone who expresses a concern about immigration with the same broad brush. Some of us can express that concern and yet still believe that immigration is more of a benefit than a detriment.

TONY CAMP
Chicago, Illinois

The thinker

TO THE EDITORS:

I could not read Erin Leib's excellent review of Charles Taylor's *Varieties of Religion Today: William James Revisited* without reflecting upon the relationship between my own most determinant personal religious experience and the collective worship in which I now participate ("God's Pragmatist," June 24). I am think-

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ing of the discovery that I had more than 30 years ago, in my mid-forties, while listening to Bach's "Saint Matthew's Passion," of the unutterably precious value of the love exemplified by Jesus' crucifixion. This discovery immediately led to an irresistible urge to serve this love, to give myself to it entirely, to do everything possible to enhance its power and effectiveness as a revolutionary social force. At the same instant, I realized that I could not do this alone as well as I could by joining others similarly motivated.

For followers of Jesus, the churches are as essential as courts are for judges and lawyers; armies for soldiers; schools and universities for scholars and teachers; publishers for writers; political parties for politicians; and choirs and symphonies for musicians and composers. The main purpose of Christians coming together is not so much to achieve "the kind of collective subjectivity" that Taylor, according to Leib, proposes, "where individuals come together to affirm and direct one another's unique experiences," as it is to fight together for a supreme value.

Furthermore, the question that, according to Leib, "the lonely man of faith" must ask—"Is what I believe true?"—cannot really trouble Christians like myself, with respect at least to the core of our faith. For nothing can ever shake our absolute certainty that the love we profess and serve is, in our own experience if not of others, of unrivaled worth. No one, moreover, can doubt its existence, whatever one may call it.

PHILIP WALKER
Professor Emeritus of French Literature
University of California, Santa Barbara
Santa Barbara, California

ERIN LEIB REPLIES:
Philip Walker's letter affirms, in the spirit of both William James and Charles Taylor, that people are indeed capable of a spiritual intensity born of inwardness and subjective conviction. But I must ask how it is that someone who is serious about religion, about "fight[ing] ... for [its] supreme value," can shy away from examining the content of what he is so serious about. If, regarding faith, "nothing can ever shake... absolute certainty," then one must wonder what the grounds are for such uncommon certainty. To take God seriously requires that we be able to say something about Him. And if we say nothing about Him, we have done Him no favor and done nothing that might explain or even recommend our faith to others.

TO THE EDITORS:
Taylor criticizes James's way of thinking about religious experience because it neglects the community of believers and the way in which religious experience is informed "by prior conceptions of what that experience can be." Leib objects, however, that "[w]hat matters is how we uniquely inflect common possessions"; but Taylor himself praises James for seeing "so deeply into an essential feature of our divided age" that religious experiences must be authentically individual, wherever "we end up taking them in our divergent spiritual lives."

Leib asserts that "in a profound way, James was not a secular man." True, he celebrated the "twice-born" converts, yet pragmatic truth is humanistic. Between the "tough-minded" moralists living the "strenuous life" and the "tender-minded" monists surrendering to the whole, he preferred the former, finding his heroes among the firemen and the policemen. He was, as Taylor says, "our great philosopher of the cusp" because "he tells us more than anyone else about what it's like to stand in that open space and feel the winds pulling you now here, now there." It needed "someone who could feel and articulate the continuing ambivalence in himself."

CUSHING STROUT
Professor Emeritus
American Studies and English
Cornell University
Ithaca, New York

Beastly

TO THE EDITORS:
Thank you for Ryan Lizza's wonderful article about President George W. Bush's speechwriter Matthew Scully and his new book, *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy* ("Food Fight," June 17). It is a relief to learn that someone from the Bush administration cares about the horrendous treatment of animals in American society. It is clear that any Christian who takes the biblical message of compassion seriously must be appalled at the treatment of animals in factory farms, laboratories, and other places in which animals are confined. There are virtually no laws protecting farm animals from this torture in the United States; the Animal Welfare Act, for instance, specifically excludes

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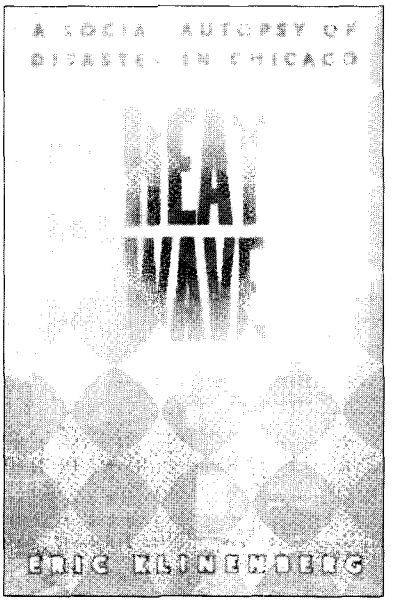

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TRB

FROM WASHINGTON

The Accused

LAST SUNDAY I learned Percy Yutar had died. And I haven't thought of much else since. In a way, Yutar was the most American of South African Jews. Born in 1911, the son of a Lithuanian immigrant butcher, Yutar won a scholarship to study law at the University of Cape Town. But upon graduation, he did something strange. While his peers were going into medicine, business, and private legal practice, he applied to the civil service. To American Jewish ears, that might not sound particularly odd. But South African Jews followed the old model: They avoided the state. The government, after all, was less an expression of pluralistic nationhood than of Afrikaner tribalism. And most Jews saw it—and, indeed, the country itself—in utilitarian terms. They were passing through and wanted mostly to be left alone. When Gustav Saron and Louis Holtz surveyed the community in 1955, they called their study not "The Jews of South Africa" but *The Jews in South Africa*.

But Yutar was different; he wanted to serve his country, and he wanted to wield power. So in 1934 he applied for a job in the justice ministry. He was rejected, probably on account of his religion, and instead went to work at the post office, tracking people who hadn't paid their phone bills. Finally, he got a position as a junior prosecutor. The rising Afrikaner nationalism of the 1930s and 1940s borrowed heavily from Nazism. And Yutar would later tell *The Washington Post*'s Glenn Frankel that the anti-Semitism he experienced in the Afrikaner-dominated bureaucracy was so intense that he often cried himself to sleep. But the humiliations just made Yutar more determined to prove his loyalty. "Secretary for Justice Hansie van Rensburg instructed that my ancestry be traced to ascertain whether my parents were Jewish or not," Yutar once recounted. "It was then that I decided to remain in the service and vowed to become the country's first Jewish attorney general."

Remarkably, Yutar proved his loyalty without sacrificing his identity. He wore a signet ring with the Star of David to work and remained a practicing Orthodox Jew. In a country where few Jews even asked to be fully South African, Yutar demanded to be fully South African and fully Jewish at the same time. By 1960 he was deputy attorney general of the Transvaal, South Africa's largest province. Later he became president of Johannesburg's largest Orthodox shul. He was pursuing—and achieving—what in this country might be called the American Jewish dream. Except in South Africa, barely anyone even dreamed it but him.

Then in 1963 Yutar was asked to prosecute perhaps the most important case in South African history. Key leaders of the African National Congress (ANC) had been arrested in the Johannesburg suburb of Rivonia, where they were secretly plotting armed insurrection. Their trial offered Yutar not only the chance to defend his government before a hostile world; it offered him an unprecedented chance to defend South African Jewish loyalty. Most of the defendants were black, but the three white defendants were all Jews, as were two of the defense lawyers. As one of those defense lawyers, Joel Joffe, wrote in his book *The Rivonia Story*, Yutar "seemed to regard it as his duty to prove to the government that there were 'good Jews,' through his own enthusiastic persecution of these subversive Jews."

In a sense, Yutar succeeded. Eight of the ten defendants—including Nelson Mandela—were convicted and sentenced to life in prison. The movement's leaders would remain in jail for three decades; and South Africa, which in the early '60s was wracked by violent protest, would remain quiet for more than ten years. Yutar's brand of South African Jewish identity gained ground as well. He was lionized in the Jewish press. When he achieved his dream of being named attorney general, first for the Orange Free State and then for the Transvaal, the South African Jewish Board of Deputies offered "the warmest wishes of the Jewish community." Anti-Semitism declined as the South African government formed an alliance with Israel. And rather than scorning Jews as alien, the government tried to sell them on a new, inclusive white identity, a nationalism Jews could embrace. When Percy Yutar retired in 1976, he could plausibly claim to have won acceptance not only for himself but also for his people.

Acceptance, that is, by one of the most monstrous political systems of the twentieth century. Yutar lived to see apartheid end and, as a result, spent his final years as a pariah. When Mandela, on a high-profile reconciliation tour, ate lunch with him in 1995, the elderly Yutar gracelessly said, "I played a minor role only because I was doing my duty." Later he tried to convince journalists that by prosecuting Mandela for sabotage rather than for the more serious charge of treason, he had actually saved his life.

To South African Jews, Yutar became an embarrassment. Instead the community retrospectively embraced the men he had prosecuted. Cape Town's glitzy new South African Jewish Museum devotes extensive space to men like Rivonia defendants Lionel Bernstein and Denis Goldberg, along with longtime ANC military chief Joe Slovo and Water Affairs and Forestry Minister Ronnie Kasrils.

The problem is that these men—who spent the apartheid years either in jail, in exile, or in hiding—had no connection to the organized Jewish community. As Marxists, they scorned religion. And as whites seeking acceptance in an overwhelmingly black struggle, they were at pains to depict themselves as nationalists whose only commitment was to South Africa. They considered questions of Jewish identity a distraction from the universal moral struggle in which they were engaged. And they considered Jewish acceptance in South Africa irrelevant except insofar as it helped make South Africa free. When Joe Slovo—born Yossel Mashal Slovo in Obelei, Lithuania—died in 1995, his family refused to give him a Jewish burial. Instead, he became only the second white person ever laid to rest in the famed Heroes' Acre at Soweto's Avalon cemetery, as thousands of black South African mourners looked on in tears.

One day during the Rivonia trial, Hilda Bernstein ascended the stairs to Yutar's office on the second floor of Pretoria's Palace of Justice to ask him to release her husband Lionel on bail. When he refused, she hissed, "I hope your conscience will not trouble you too much in the future." Yutar responded, "My conscience is clear! My conscience is clear! I am a deeply religious man—haven't you heard that I am a deeply religious man...?" "I don't know anything about you," replied Bernstein. "Yes, yes," Yutar went on, "everyone knows I am very religious." Indeed, they did. Sadly, too few South African Jews understood that it was beside the point.

PETER BEINART

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Mouth Off

IT IS BY now painfully clear that the only constant in President George W. Bush's economic agenda is that it is determined almost entirely by politics. Last summer the White House sold a tax cut that would mainly take effect years down the road as a short-term stimulus. Since then it has repeatedly abandoned the free-market principles it claims to cherish, courting Rust Belt voters with steel tariffs and lavishing farm subsidies on Midwestern swing states. The pattern hasn't gone unnoticed. When asked last month to account for the dollar's recent decline, Zurich Group economist David Hale told *The Wall Street Journal*, "The world fears that Karl Rove now controls U.S. international economic policy."

To understand the latest way in which politics is dictating economic policy, one need look no further than Treasury Secretary Paul O'Neill. In recent weeks O'Neill's chronic inability to speak reassuringly on economic matters has made his resignation less a matter of if than when. Wall Street, most Democrats, and a growing number of congressional Republicans believe he must go now, while there's still an economy to reassure people about. But the administration reportedly believes O'Neill should leave only after the midterm elections. As one source close to the White House explained to *The New York Times* on Sunday, "[The administration] can't make any changes before then because it would look as if they were accepting the blame for a bad economy." It seems Rove has decided that dumping O'Neill too soon would undermine his most promising midterm election strategy—pinning the current economic tumult on Bill Clinton.

So the White House is sticking with a man who wildly misunderstands his job. At times like this, the Treasury secretary should be soberly explaining why the economy is fundamentally on track. When international capital markets teetered amid the Asian financial crises of 1997 and 1998, for instance, then-Treasury Secretary Robert Rubin's public assurances "that the fundamentals of the U.S. economy are strong" conveyed a sense of control that helped avert a run on U.S. stocks. And Rubin's knack for saying the right things in public reinforced his credibility behind closed doors. The former Wall Street heavyweight succeeded in persuading major U.S. banks not to cut off South Korea as it hemorrhaged reserves in late 1997 because the bankers trusted him as a stabilizing force. By contrast, O'Neill has been glibly undermining confidence—for instance, defending a poorly timed junket to Latin America last week by noting, "I'm constantly amazed that anybody cares what I do."

It wasn't the first example of O'Neill's flip approach. Last February he publicly questioned the administration's commitment to a strong dollar, sending the greenback tumbling until Treasury issued a clarification. After September 11, instead of reassuring the public about the economy's long-term strength, he mused that the Dow would be back in record territory "in another twelve or eighteen months"—violating the long-standing protocol against high-ranking government officials making specific predictions, which only undermine the government's credibility when they don't come true.

The United States is lucky that over the last year and a half O'Neill's obliviousness to the importance of confidence to a stable financial system—and his importance to maintaining that confidence—hasn't been a bigger problem. That's largely because the recent economic shocks haven't hit financial markets so much as the real economy, where aggressive interest-rate cutting allowed consumers and home buyers to keep things afloat. But the current crisis is different: It is a crisis of confidence, exactly the kind that demands O'Neill play a role for which he is particularly ill-suited. The recent corporate scandals have damaged faith in American markets—on Wall Street, in the country at large, and internationally. Were the world able to look to Washington and see someone calmly asserting control, the current sell-off might be contained. Instead, the world looks to Washington and sees someone who doesn't even understand that confidence is a problem. "If people don't like what I'm doing, I don't give a damn," O'Neill recently told the *Times*.

The problem is that the "people" who don't trust the Treasury secretary are the same ones destabilizing the market: jittery investors. If they get too jittery, they could drag down stocks not just to their pre-bubble valuations but far below. And if that happens, consumer confidence could follow and the real economy with it. Karl Rove may soon learn the one political lesson he hasn't yet assimilated: In the end, bad economics is bad politics. Unfortunately, the United States may have to learn it along with him. ■

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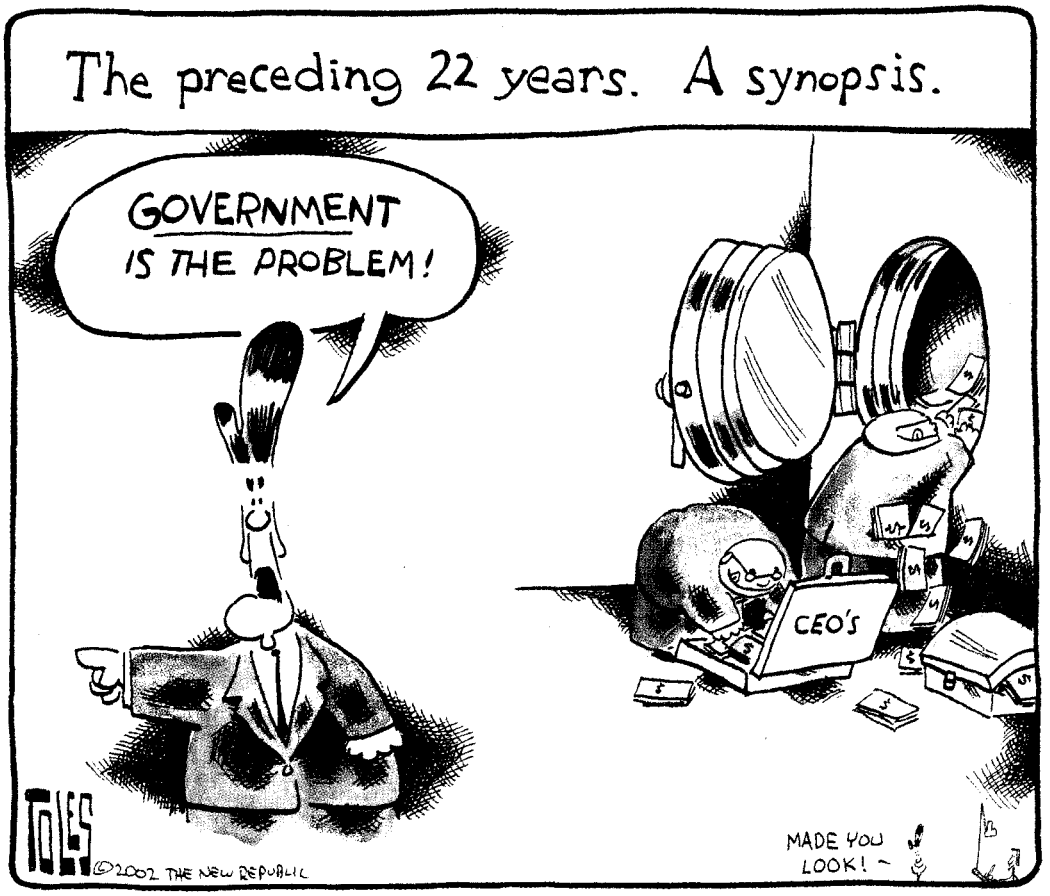
NOTEBOOK

JOB SECURITY: Last week's TNR cover story documented the numerous ways George W. Bush is funneling disproportionate federal funds to Florida to help his brother's gubernatorial reelection ("He Ain't Heavy," by Ryan Lizza). But even as the story went to press, the administration was unveiling yet another innovative technique to throw taxpayer money Jeb's way. On July 18 the White House announced the first round of homeland-security-related grants by the Corporation for National and Community service for "public safety, public health, emergency response, and disaster preparedness." The top recipient, unsurprisingly, was New York (aka, Terrorist Target Number One), which received a total of $1,773,820 in grants. But second place was—you guessed it—Florida. The Sunshine State (home to 6 percent of America's people) received $1,479,749, or more than 14 percent of the $10.2 million in total grants announced. The next closest state, Maryland (which contains many of the suburbs of Terrorist Target Number Two), received less than half as much. Indeed, Florida's good fortune amounted to just a hair less than the combined haul of the other five largest states by population—California, Texas, Pennsylvania, and Ohio—which between them picked up just $1,522,125 in federal bounty. Don't get us wrong. We want Floridians to be as safe from terrorism as anyone else. But is this really about securing the homeland—or securing Jeb's reelection?

SEE NO EVIL: Expectations for the Senate Ethics Committee's investigation of Bob Torricelli were low. The Senate, after all, has a reputation for chumminess, so vigorously pursuing allegations that the New Jersey Democrat accepted illegal gifts from, and did political favors for, a wealthy donor wouldn't be very collegial. But even those low expectations were apparently too high. Although the Ethics Committee began its investigation into Torricelli in January—after the Justice Department, having decided not to indict the New Jersey senator, turned over all the evidence from its own investigation—it has so far barely lifted a finger. The committee has not hired an outside counsel to manage the investigation. It has not yet taken testimony from David Chang, the Torricelli donor and convicted felon who says he gave the senator gifts in exchange for political favors. It has not even sought to corroborate any of Chang's allegations with the relevant third parties—such as the merchants who would have sold Chang some of the gifts he alleges he gave to the senator. This week, though, in a burst of activity, the Ethics Committee did hear testimony from Torricelli himself. For four hours on Monday in a closed-door session, the committee's chief counsel asked the New Jersey senator about Chang's allegations. Alas, none of the six senators who sit on the committee bothered to attend.

REAR GUARD: If there is one man who could conceivably make the Bush administration's plan for a Department of Homeland Security wither on the legislative vine, it is probably Alaska Representative Don Young. And he knows it. Young, the powerful chairman of the House Transportation and Infrastructure Committee, recently told Lisa Meyers of NBC News, "Well, I can stop [the Department of Homeland Security] from happening, very frankly." Young's specific objection is to the administration's proposal to fold the Coast Guard into the new department. Focusing the Coast Guard on counterterrorism, Young argues, will shift attention away from its core responsibilities, like search-and-rescue missions and oil-spill response. "Don't turn the Coast Guard into



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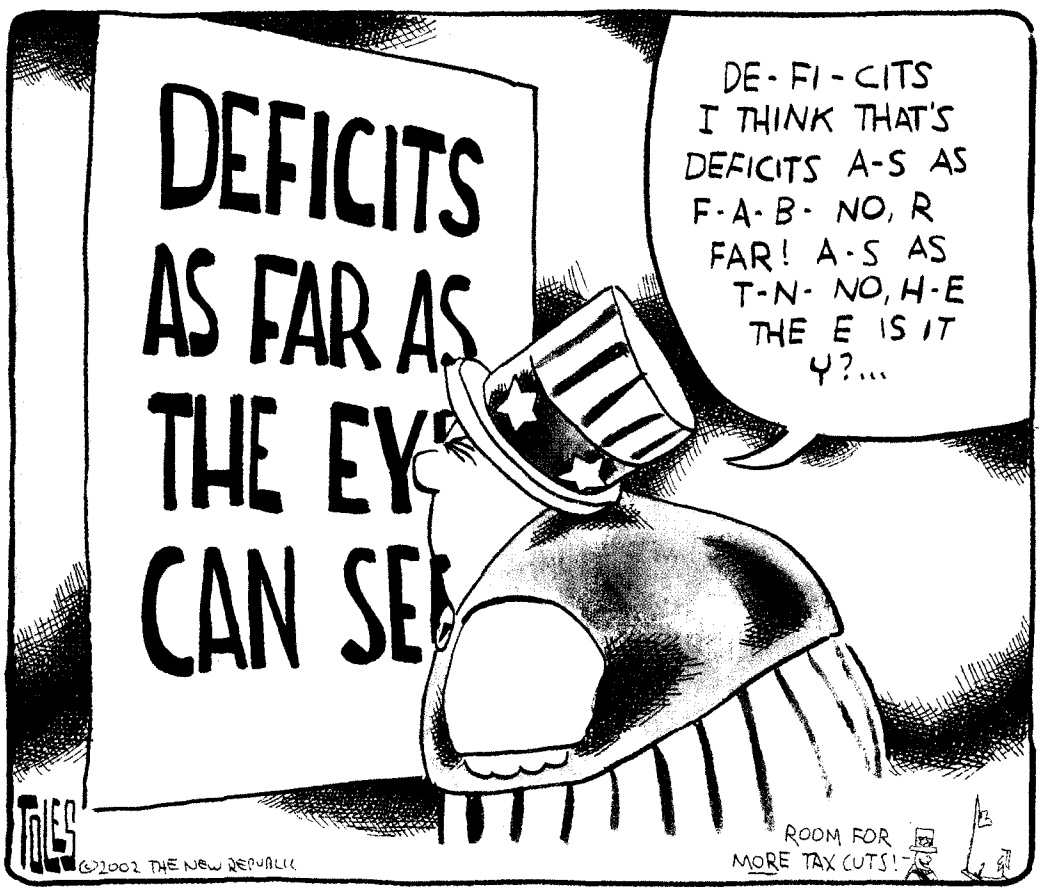
something that it was never intended to be," Young bellowed at a hearing of the House Select Committee on Homeland Security earlier this month. But there is a strong counter-argument—namely that the Coast Guard has a crucial role to play in preventing terrorists from quietly slipping into American harbors. As one member of Congress pointed out back in June, "A port is a likely target, and we have to accept that fact. Lord only knows how much damage would occur." The member who made this sensible point? Don Young. Indeed not so long ago Young took every occasion to promote the Coast Guard as a vehicle for fighting terrorism. This spring he even sponsored (and passed) legislation that required it to create "anti-terror teams" to scout the seas for potential threats. So what changed his mind? Self-interest. As part of the Transportation Department, the Coast Guard is currently overseen by Young's committee—which explains his eagerness earlier this year to offer it up as a pillar of anti-terrorism and, thus, hopefully boost its funding. If the Coast Guard is moved into the Office of Homeland Security, however, it will likely be removed from the jurisdiction of Young's committee—thus explaining his sudden concern for maintaining its traditional missions. But don't think Young is just trying to protect his political territory. He told *The Washington Post* he had explained his motivations to George W. Bush, and they were considerably more high-minded: "This isn't about turf, Mr. President. This is personal."

BESIDES THAT, THEY'RE JUST FINE: "The ones who are astride the unruly camel of power, who are galloping wildly in the political arena, who are climbing the ladder of the people's sanctities and beliefs, who are circumnavigating the mill of leadership, who are crossing the bridge of religion to reach the land of this-worldly possessions, are unfortunately the assisters and encouragers of a bunch of club wielders and a gang of shroud wearers who sharpen the teeth of the crocodile of power and who want to marry the ill-tempered, ugly witch of violence to religion, and to present our sanctities as defiled and contaminated."—from a letter by Ayatollah Jalaleddin Taheri, who on July 9 resigned as Friday prayer leader of Esfahan, Iran, in protest of government corruption

SUCCESS THROUGH CHAOS: "STUDY CALLS RESCUE AT PENTAGON CHAOTIC"—headline in *The New York Times*, July 24

"REPORT CALLS RESPONSE AT PENTAGON SUCCESSFUL"—headline in *The Washington Post*, the same day (Thanks to Charlie Stevenson.)

HER POINT EXACTLY, CONNIE: "I think it is, OK, if you believe that, you know, then go ahead and think that at home. But why do you have to spill it out? You know, why do you have to talk about it as a celebrity so that people will write it down and talk about what you said?"—CNN's Connie Chung, to former tennis star Martina Navratilova, who has complained that when she left Communist Czechoslovakia she "changed one system that suppresses free opinion for another," July 17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ROOM FOR MORE TAX CUTS!

DEPARTMENT OF CORRECTIONS: In last week's issue, the actress Charlotte Gainsbourg was misidentified as Charlotte Gainsborough ("Sex and the Self," by Stanley Kauffmann). Her father was not a producer but rather the French songwriter (who also acted and directed) Serge Gainsbourg. We regret the error. ■

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White House Watch

Market Price

By Ryan Lizza

July has undoubtedly been President Bush's worst month since last September. Six new polls peg his approval rating in the mid-60s—the first time since the terrorist attacks that those numbers have been consistently below 70 percent. His approval rating on handling the recent corporate scandals is in the 40s. A plurality of Americans now say the country is "on the wrong track"; and in two polls out this week, less than a majority say they would vote to reelect Bush.

It isn't the president's softness on corporate reform, or the lingering questions about Harken and Halliburton, or even the economy itself, that has knocked him off his game. It's the plummeting stock market. Ever since Bush made his July 9 speech about corporate responsibility, his fortunes have been tethered to the gyrations of the Dow. And this linkage is largely the White House's own fault. Bush's aides not only made the mistake of scheduling his big Wall Street speech while the markets were open, but some of them actually told reporters beforehand that one of the purposes of those remarks was to rally stocks skyward—which, of course, they did not. The administration has been desperately trying to de-link Bush's fate from the Dow's ever since. On July 12 White House spokesman Ari Fleischer scolded the Washington press corps for its ignorance about Wall Street, and he has berated the news networks for featuring market tickers showing falling stock prices during Bush's televised comments on the economy. Bush is the first president to face a bear market in the CNBC-obsessed media environment that grew up around the 1990s boom. And he's finding, to his dismay, that the rules have changed.

It doesn't help that the stock market collapse coincides with the departure of Karen Hughes, the White House message maven, leaving the communications shop in the hands of a trio of younger aides. Michael Gerson, who oversees speechwriting and was recently promoted to assistant to the president (the top White House staff title), did not impress observers with Bush's Wall Street address. This time the language of moral suasion—Gerson's signature—was interpreted as evidence that Bush thinks the corporate scandals are primarily an ethical problem, not a legal one. Fleischer has also carved out a larger role for himself now that Hughes is gone, and his main project over the last few weeks has been to browbeat the press for associating Bush with the sliding markets. But Fleischer compromised himself on this front by telling reporters the markets had actually responded favorably to Bush's speech. "I just point out the facts, that after the president's speech Tuesday the market went up twenty-eight points, and only an hour and a half after the president's speech Tuesday did the market decline," Fleischer said recently. "That's for those of you who, as Washington political reporters, have some type of savvy about knowing what makes markets go up and down."

Third in the trio of new White House communications overseers is Dan Bartlett, the 31-year-old head of the operation, who also now wears the title "assistant to the president." Bartlett has worked for Bush for almost a decade, but his failure to thoroughly prep the president à la Hughes has already caused the White House some problems. He's been criticized for a disastrous string of public comments by Bush, starting with the president's July 8 press conference the day before his big Wall Street speech. Unlike Hughes and Fleischer, Bartlett is popular among White House reporters; but some worry he lacks the stature to tell the president what he really thinks. "Here's the problem: Dan Bartlett," says one Republican close to the White House and intimately familiar with the communications team. "He's thirty-one years old, and he's worked for Bush his whole life. Karen had many faults,

HARRY CAMPBELL

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Bush's Wall Street Reform Program Merits Support

Arnold Beichman is a research fellow at the Hoover Institution.

When a thief shoots and kills an innocent bystander or one Mafioso offs another Mafioso, the effect of such homicide is limited to the immediate family. But **when a corporate executive fiddles with the corporate books, millions of innocent people are affected**—people who were looking forward to retirement living on something better than Social Security.

Of course, there can be no guarantee of eternal profits and a forever bull market. You accept the stock market's verdict because you trust the numbers; you and your investment advisers trust the balance sheets, the income statement, and the listed assets. Millions of people go to Las Vegas every year even though the odds are against them because they half-trust the spinning roulette wheel or the blackjack dealer. Is it possible that the games in Vegas are more honest and more ethical than some of the stocks listed on the Big Board or the Nasdaq?

Working people and middle-class professionals have been encouraged to put their money in stocks and mutual funds so that one day they would enjoy the good life. According to the World Bank, more than 50 percent of Americans have invested in the stock market. Fareed Zakaria, in his book *From Wealth to Power,* says such investments have quadrupled in value in the last decade. In October 1999, the *Washington Post* ran a story about the stock market headlined "Investing's Changing Face: Women, Blacks, Hispanics and Others Are Reshaping Wall St." At that time nearly half of Americans were invested in the stock market, many of them between nineteen and thirty-five years old. Investing had become a mass movement in America. Will such participation continue?

There's no point in saying there will always be crooks and suckers. True, most of American business is run honestly; dishonest CEOs and swindling accountants amount to only a handful. Yet look at how this handful has contributed to a meltdown affecting jobs, investment returns, and portfolios. That is why President Bush's reform program deserves support by Congress.

At the end of World War I, John Maynard Keynes wrote in his masterwork, *The Economic Consequences of the Peace:* "There is no subtler, no surer means of overturning the existing basis of society than to debauch the currency. The process engages all the hidden forces of economic law on the side of destruction, and does it in a manner which not one man in a million is able to diagnose."

Today, when millions and millions of Americans are investing their life savings in bonds and equities, we might update Keynes: **There is no subtler, no surer means of overturning the existing basis of society than to debauch the securities market.** The process engages all the hidden forces of economic law on the side of destruction and does so in such a conspiratorial manner that not one man in a million is able to diagnose what has happened until it is too late.

— Arnold Beichman

Paid for by the Hoover Institution, Stanford University.

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but her one great asset was she could say to Bush, 'That won't work; people won't buy it.' Dan can't do that. He's not a toady or a yes-man. He just thinks everything Bush does is right. He's a fan, not a peer. Karen was a peer." To make matters worse, Bartlett and Fleischer have apparently been tussling over turf. According to a little-noticed Associated Press report, Fleischer and Bartlett had a heated debate at a White House staff meeting over whether Bush should take questions from the press corps when he unveiled his homeland security strategy on July 16. (Fleischer wanted questions; Bartlett didn't. Bartlett won.)

But staff difficulties notwithstanding, it's hard to avoid the conclusion that the biggest problem in this bleak political season has been Bush himself. With the vice president hobbled by the Halliburton investigation and the Treasury secretary afflicted with foot-in-mouth disease, the president has become, by necessity, his administration's economic point man. Every time he has spoken off-the-cuff about the economy during the last few weeks, however, his fortunes have worsened. He resisted attempts by aides, according to *Time* magazine, to properly prepare him for the hostile questions he faced at his July 8 press conference, and the session turned into a debacle. During comments in Minneapolis a few days later, he seemed to dismiss the corporate scandals decimating the stock market as a distraction from what really matters in life. "This corporate America stuff, is that important?" Bush asked himself. "Or is serving your neighbor, loving your neighbor like you'd like to be loved yourself?" Over the last week the White House was finally returning to a more disciplined message of avoiding comment on the markets; but in Illinois on July 22 Bush scuttled the momentum with six minutes of incoherent banter about the value of stocks while speaking to reporters. If you read his remarks carefully, Bush simultaneously suggested that investors should pull their money out of stocks and put it into bonds ("their portfolios are better than those who have stayed only in equity"); that they should return to the stock market ("values will be available for those who invest in the market"); and that they shouldn't heed his advice at all ("But, listen, I'm not a stockbroker. I'm not a stock picker"). The Dow dropped 235 points that day, and much of the effort White House aides had made to stop reporters from connecting Bush's remarks to the markets was undone.

WHITE HOUSE AIDES say they have a strategy for turning things around. First, they are counting on Democrats to overplay their hand. While Bush risks appearing Hooveresque by emphasizing positive economic trends, Republicans are increasingly accusing Democratic leaders of engaging in the "politics of economic destruction." They point to the perversity of Democrats reveling in corporate scandals, the declining stock market, and growing deficits. And they say that the same members of Congress who only last year excoriated Bush and Dick Cheney for talking down the economy now seem energized by every drop in the Dow.

Secondly, the administration hopes to revive its legislative agenda. According to White House aides, victories on Capitol Hill are the surest way to get Bush off the defensive and send him into the congressional August recess with some wind in his sails. After all, they claim, despite one of the worst months of his presidency, Bush is on the cusp of several big wins. The White House has pressured House Republicans to move the accounting-reform bill to the president's desk by the end of this week, and as THE NEW REPUBLIC goes to press, it looks like that will happen. White House lobbyists also quelled a revolt among House Republicans over the details of legislation creating the new Department of Homeland Security. That bill now closely tracks Bush's original proposal, and the Senate is moving in the same direction. This week Bush aides also made a point of emphasizing that the president and senior officials were pressing Congress to move fast-track trade legislation out of a conference committee and onto the president's desk. They are also pushing hard on a terrorism insurance bill. Perhaps most significantly, Budget Director Mitch Daniels won the first big battle of this year's appropriations war by beating back a bipartisan attempt to add a few billion dollars to an emergency-spending bill. The hope is that these concrete successes will do more to stabilize the markets than any amount of presidential jawboning.

Maybe. But the White House may just be repeating its mistakes by linking its legislative efforts to the markets. During his off-the-cuff remarks this week in Illinois, Bush suggested that passing corporate-reform legislation would give the markets a boost. Of course now if the markets drop after Bush signs the bill into law, he will be blamed. So much for separating his fate from the Dow's. ■

One litmus test deserves another.

Bench Press

By JASON ZENGERLE

PRISCILLA OWEN, the Texas Supreme Court justice whom President George W. Bush has nominated to the Fifth Circuit U.S. Court of Appeals, is an anti-abortion zealot. As a member of Texas's high court, Owen consistently voted to deny judicial bypasses to pregnant teenagers who sought abortions without notifying their parents. Of the ten pregnant teens who appealed to the Texas Supreme Court for a bypass, Owen opposed granting it to nine of them, often by constructing far tougher standards than Texas law required. (The one time Owen did vote to grant a bypass, she joined a unanimous court that was required to rule that way for procedural reasons.) So extreme were Owen's views that even on the conservative Texas Supreme Court—all

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nine members of which are Republicans—she joined the majority opinion on judicial-bypass decisions just once.

That, at least, is the bill of particulars that liberal interest groups like the National Abortion and Reproductive Rights Action League (NARAL) are citing as their reason for opposing Owen, whose contentious Senate confirmation hearing began this week. "Priscilla Owen is a dedicated conservative judicial activist whose record on the Texas Supreme Court gives us grave concern," declared NARAL President Kate Michelman. "Given the opportunity to serve on the Fifth Circuit Court of Appeals, she would likely vote to erect barriers between a woman and her constitutional right to choose."

Owen's backers reply that it is unfair of liberals to oppose her nomination just because of her abortion rulings, since she is professionally fit to sit on the federal bench. (The American Bar Association rates her "well qualified.") "With this embrace of an ideological litmus test, I think that they are more than willing to go after nominees who are otherwise qualified and fair," complained John Nowacki of the conservative Free Congress Foundation. Or as Senate Minority Leader Trent Lott told reporters last week when asked about the confirmation battle shaping up over Owen's nomination, "[W]e're getting more and more toward a litmus test, which I don't think is the right thing to do."

Lott is right: There shouldn't be ideological litmus tests for judicial nominees. Which is exactly why Democrats should oppose Owen's nomination, since it appears that the bill of particulars NARAL cites was precisely what endeared Owen to the Bush administration in the first place. White House Counsel Alberto Gonzales—who before going to Washington served on the Texas Supreme Court alongside Owen—has acknowledged that Owen was chosen over another Texas Supreme Court justice, Deborah Hankinson, who ruled differently in several of the parental-notification cases. And as Neil A. Lewis reported in *The New York Times* this week, Hankinson—a Republican appointed to the Texas Supreme Court by then-Governor Bush—has told a number of people in the Austin legal community that "someone in the White House told her she was taken out of consideration explicitly because of her rulings in the teenage abortion cases."

In other words, if the Democrats confirm Owen they will be acquiescing to a litmus test, which will likely lead Bush to use that litmus test again. So if Democrats want the White House to stop nominating judges like Owen, then they have to show there is a penalty when it does. And ironically, that means defeating the litmus-tested on a litmus test.

CLEANSING THE JUDICIAL nomination process of litmus tests altogether is, of course, impossible. Presidents will always favor judicial candidates who share their ideological predispositions. For instance, most if not all of Bill Clinton's appointees to the federal bench supported *Roe* v. *Wade*. And as Michelle Goldberg recently documented in *Salon*, none of Bush's circuit court nominees (with the exception of two Clinton nominees who never received confirmation hearings and whom Bush subsequently renominated) have supported abortion rights, at least not publicly.

That's to be expected and tolerated—and for the most part it has been. In 1993, Senate Republicans voted overwhelmingly to confirm Clinton's nomination of Ruth Bader Ginsburg to the Supreme Court, even after she explicitly endorsed abortion rights at her confirmation hearing. And Senate Democrats have so far confirmed 59 of President Bush's judicial nominees, almost all of them pro-life Republicans. Indeed, just last week the Democratic Senate voted to confirm Lavenski Smith—whose pro-life credentials included representing the plaintiff in a suit aimed at preventing abortions from being performed in public hospitals—to the Eighth Circuit Court of Appeals.

NOMINATING A JUDGE who happens to share your views on abortion because he or she shares your broad ideological perspective is one thing. But nominating a judge—and ruling out someone else—specifically *because* of his or her anti-abortion views is another. And while it is often hard to separate the two motives, Owen appears to be an unusually stark case of the latter. In the parental-notification cases she heard on the Texas Supreme Court (the only form of abortion case that court typically hears), her anti-abortion fervor distinguished her from even her conservative colleagues. The state's 1999 parental-notification law says a pregnant teen should receive a judicial bypass if she proves to a court that she is mature enough and sufficiently well-informed to make her own decision; that notification of her parents would not be in her best interest; or that notification could lead to emotional, physical, or sexual abuse. But Owen, in her concurring and dissenting opinions, repeatedly sought to establish higher standards. She wanted teens seeking a judicial bypass to demonstrate that they were not just sufficiently well-informed about abortion but also that they were well-versed in the "philosophic, social, moral, and religious arguments" about the procedure. She wanted teens to receive counseling on "the impact the procedure will have on the fetus." She even wanted teens to prove that any emotional abuse stemming from parental notification would be as damaging as physical or sexual abuse—a position that led four justices to declare: "Abuse is abuse; it is neither to be trifled with nor its severity to be second guessed."

Hankinson's reported comments about why she was passed over aren't the only reason to believe that Owen's activist record is the reason she was picked. Indeed, one of the nomination's more curious aspects is that while on the Texas court, Owen frequently clashed with Gonzales—who as White House counsel is theoretically in charge of judicial nominations. In one parental- notification case, Gonzales went so far as to blast Owen's position as an "unconscionable act of judicial activism." Which is why many speculate that it was not Gonzales but White House political adviser Karl Rove who, in his effort to shore up Bush's right flank, pushed Owen for the federal bench. After all, unlike Gonzales, Rove has worked quite well with Owen: He was paid close to $250,000

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to oversee her successful 1994 campaign for the Texas Supreme Court. (The Texas governor appoints justices only when a vacancy arises; otherwise they run for six-year terms.)

All things being equal, it is clearly better not to subject judicial nominees to simplistic, single-issue litmus tests. But if the Bush administration is already doing so—as appears to be the case with Owen—then for Senate Democrats not to follow suit only rewards litmus testing. The calculus is simple: If nominees apparently chosen on the basis of an anti-abortion litmus test are confirmed, the White House will have every incentive to continue offering up such nominees. If, however, they are rejected, the administration may select nominees according to broader criteria of expertise and judicial outlook—nominees who should then be confirmed. That many of the president's nominees will be conservative is not reason enough to oppose them. That he might be trying to pack the courts with judges for whom opposition to abortion overrides intellectual honesty and judicial restraint is.

Defeating Owen will not be easy. After scuttling Charles Pickering's nomination to the Fifth Circuit in March, it's not clear Senate Democrats have the stomach for another knock-down, drag-out judicial-confirmation fight. But that's a political calculation. Democrats should feel no guilt for going after Owen on her abortion record. It is, after all, the reason she's appearing before them in the first place. ■

Why the cloning decision was wrong.

Holding Cell

By JEROME GROOPMAN

THE PRESIDENT'S Council on Bioethics, chaired by Dr. Leon R. Kass, presented its long-awaited report on human cloning to the White House on July 10. The council unanimously advised against "cloning to produce children," commonly called "reproductive cloning." But on "cloning for biomedical research"—therapeutic cloning to produce stem cells to try to ameliorate disease—it split. Of the 17 members, ten (including Kass) voted against it. They couched their rejection as a compromise since they called not for a permanent ban but for a four-year moratorium. This moratorium, according to the letter accompanying the report, would allow "a thorough federal review . . . to clarify the issues and foster a public consensus about how to proceed." It would also give researchers time to seek alternative ways to generate stem cells. But for scientists and, more importantly, for the millions of patients with incurable maladies, the compromise is a painful disappointment. It shackles potentially lifesaving research and provides no clear framework to advance the ethical debate. What's more, the arguments deployed on its behalf don't withstand scrutiny.

"Reproductive" and "therapeutic" cloning both begin by transferring the nucleus of an adult cell into an egg. The egg is then given a jolt of electricity and begins to divide under the direction of the inserted adult nucleus. As in normal sexual reproduction, here the cluster of dividing cells is called a zygote. In therapeutic cloning the process is stopped before two weeks, when the zygote is composed of fewer than 150 cells—approximately the size of the dot on the top of the letter "i" on this page. At that time the embryonic cluster contains numerous stem cells. It is these stem cells that scientists are studying as therapies to regenerate diseased tissues in patients with Parkinson's disease, spinal cord paralysis, and juvenile diabetes.

If the process is not stopped at 14 days, however, and the zygote is later placed in a uterus, the potential exists to produce a baby. Reproductive cloning exploded onto front pages five years ago when British scientists successfully cloned a sheep named Dolly. This success with an ovine species has since been extended to other species, like rodents and cats. From the outset, responsible scientists have insisted that reproductive cloning of Homo sapiens not be pursued. But scientific condemnations don't carry the force of law. And once Americans began debating how best to outlaw reproductive cloning, some began arguing that the only way to do so was to ban therapeutic cloning as well—both because the latter could lead to the former and because the latter morally resembled the former. That's where the President's Council on Bioethics comes in.

THE COUNCIL'S MAJORITY acknowledged that cloning for biomedical research might cure disease; but they advocated a four-year moratorium, nonetheless, for two basic reasons. Their first argument was that therapeutic cloning involved terminating, in the report's words, a "nascent human being." This is because the egg, which receives the adult nucleus, could eventually be moved from the test tube into the uterus and possibly be carried to term to produce a baby. This potentiality, the majority reasoned, means the zygote should be afforded similar respect as a child. Dr. William Hurlbut, a Stanford University bioethicist and a member of the majority, made this explicit in his personal statement appended to the report: "Anything short of affirming the inviolability of life across all of its stages from zygote to natural death leads to an instrumental view of human life. . . . The inviolability of human life is the essential foundation on which all other principles of justice are built, and any erosion of this foundation destabilizes the social cooperation that makes possible the benefits of organized society." Other council members likened the zygote to more familiar types of vulnerable human life, like the disabled or the deformed. As the majority statement put it: "To be sure, the embryo does not yet have, except in potential, the full range

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of characteristics that distinguish human species from others, but one need not have those characteristics in evidence in order to belong to the species. And of course human beings at some other stages of development—early in life, late in life, at any stage of life if severely disabled—do not forfeit their humanity simply for want of these distinguishing characteristics."

An early-stage zygote is crucially different from the disabled, the deformed, the fragile young, or the fragile old. Before 14 days—the legal cutoff Britain has established for scientific research—the zygote has developed no organs, no nervous system, nor even the precursor to a nervous system. This absence of the most primitive neural anatomy means that biologically the zygote cannot receive any form of stimulation related to the senses, cannot perceive or cogitate, and thus cannot be hurt or suffer.

But, for the council's majority, this biological fact is irrelevant "[b]ecause the embryo's human and individual genetic identity is present from the start." But if potentiality alone conferred sanctity, then the single adult nucleus, which holds the genetic program of the later zygote, would also be worthy of protection. No human cell could be discarded—ever. No biopsy. No tube of blood. No vial of frozen sperm or egg. Absurd? Of course. But this is where the majority's logic leads.

Members of the council's seven-member minority—like Harvard political theorist Michael Sandel and Dartmouth neurobiologist Michael Gazzaniga—pointed out other ways in which currently accepted medical practice and federal law clash with the proposed sanctity of the undifferentiated zygote. For example, between 50 percent and 80 percent of all early zygotes, created naturally by a sperm fertilizing an egg during typical coitus, are spontaneously expelled from a woman's body. By the majority's logic, this represents the death of a nascent human being. Yet such regular events in a woman's life do not trigger grief, let alone funerals. Moreover, a single dividing egg—one zygote—can split to make identical twins until at least 14 days after fertilization. This means we cannot designate a single person within a single fertilized egg, because two individuals can emanate from it. Moreover, after the embryo divides into two zygotes, it can recombine and form a single zygote again. If a zygote were a single person, then the individual born from this recombination event would have to be understood as two people. Did two souls merge back into one?

Indeed, President George W. Bush himself hasn't fully respected the undifferentiated zygote's humanity. In his August 2001 stem-cell compromise, the president said that while no *new* stem cells could be derived from in vitro fertilized (IVF) embryos that would be discarded in the future, stem-cell lines derived from a limited number of *existing* embryos discarded during IVF could be employed in research. But if there is a continuous line of life that begins at the first cell division of the fertilized egg, then using stem cells from IVF embryos is, in essence, exploiting body parts from terminated nascent human beings.

The majority's second main argument is the slippery slope: Even if therapeutic cloning isn't fundamentally the same as reproductive cloning, it will lead us toward it—and worse. As the majority writes, "To set foot on this slope is to tempt ourselves to become people for whom the use of nascent human life as research material becomes routinized and everyday. . . . Today, the demand is for stem cells; tomorrow it may be for embryonic and fetal organs. . . . One can even imagine without difficulty how a mother might be willing to receive into her womb as a temporary resident the embryonic clone of her desperately ill child, in order to harvest for that child life-saving organs or tissues."

But there is always a slippery slope. Similar fears have been raised in response to every new scientific advance. The poppy gives us opiates to allow anesthesia during surgery but also risks hooking addicts. Radioactivity eradicates certain cancers but spilled in the environment can cause them. Americans worry that terrorists might steal anthrax, smallpox, or some other biological agent and use it to kill. Does this mean effective drugs should be left unextracted from nature, or nature not reworked, as when we split its atoms to generate radioactivity? Should we suspend all microbiological research? Of course not. It simply means we must be vigilant about the safeguards that keep potentially dangerous science from doing harm.

And there is ample precedent for such safeguards. Laboratories like my own handle highly infectious microbes within specially designed biohazard containment facilities. We are regularly inspected by authorities from the university, and sometimes from the government itself, to make sure nothing harmful is released into the environment. Similarly, we employ types of radioactivity that if handled improperly could contaminate the entire building. Spot inspections occur, and labs that breach protocol risk losing their federal funding and being shut down. Modern science does not conform to the novels of Mary Shelley or Michael Crichton, in which rogue researchers toil in secret rooms far from the oversight of universities, corporations, and the government. In fact, the large numbers of skilled people needed for this work makes it highly improbable that a cabal of conspirators would have access and opportunity in the United States to conduct illegal reproductive cloning without being reported to the authorities. Does highly improbable mean impossible? Of course not; the danger can never be reduced to zero. But, then, the danger of reproductive cloning wouldn't be zero if we banned therapeutic cloning either. And we would forfeit a chance to save countless lives.

Given the arguments it deploys against therapeutic cloning, you'd think the council's majority would recommend banning it outright. But it doesn't, opting instead for a four-year moratorium. The moratorium is meant to give society time to reach a moral consensus on cloning and to give scientists time to develop other methods for developing stem cells. On both counts, however, time will not solve

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the problem. The report studiously avoids mentioning religion—perhaps to preempt charges that theology undergirds the anti-cloning case—but in so doing, it overstates the possibility for moral compromise. For many Americans, theology *is* central to their opposition to therapeutic cloning. Four years from now the theology of the Vatican or of evangelical Protestantism is unlikely to be revised. Science will not produce data on when the soul appears, because this is a metaphysical question not amenable to experimentation; thus those who believe a cluster of cells from a manipulated egg represents sacred human life will have nothing new to consider. The council seems to anticipate new, nontheological ethical insights that will transform the cloning debate. But the report itself comprehensively delineates the secular moral positions, pro and con. It is hard to imagine new ethical insights from further debate or discussion that will turn minds one way or another, producing the "public consensus" the council's majority seeks.

THE NOTION THAT a four-year moratorium will provide scientists with adequate alternative methods to develop stem cells is even more farfetched. While research on stem cells from adults progresses, most scientists believe the therapeutic potential of these cells is not nearly so great as those derived from embryos. It is highly unlikely that adult stem cells will prove *better* than those from embryos or even as good. And most importantly, the moratorium makes it impossible to find out experimentally. As Dr. Elizabeth Blackburn, a University of California, San Francisco, biochemistry professor and a member of the council minority, writes, "It may sound tempting to impose a moratorium to get more information, since, despite very promising results, it is true, at this early stage of the research, that we still know only a little. But that information can *only* be gained by performing the same research that the moratorium proposes to halt. It has been proposed that other kinds of research will provide such answers. One cannot find out the answers about oranges by doing all the research on apples."

Studying apples may tell you something about fruit in general but certainly not about oranges specifically. Similarly, studying nonhuman embryonic stem cells from rodents or other animals during a moratorium will not produce conclusions about the scientific value of human embryonic stem cells. "[A]nimal models," Blackburn explains, "while invaluable up to a point, cannot provide the needed information for understanding and treating a human disease." And while a moratorium prevents scientists from learning whether therapeutic cloning really can cure currently incurable diseases, Americans who suffer from those diseases will suffer in vain.

The council's moratorium is indeed a compromise—too much of one. It is a compromise of faith in our society's ability to regulate itself. It is a compromise of science's efforts to address the urgent needs of human beings with terrible maladies. It is a compromise of the future. It is a compromise of hope. ■

Mobile Dispatch

Mission Control

By CAROL FLAKE CHAPMAN

AN EPISCOPALIAN PASSING through Mobile, Alabama, in search of a church service could be forgiven for getting a little confused. The guidebooks list Christ Church as the oldest Episcopal house of worship in the state, but today there is not one Christ Church but two. The "traditionalists"—which in the case of American Episcopalianism means the liberals—gather in the 161-year-old, landmark Greek revival building on Conception Street. The "schismatics"—a group of breakaway conservatives who also claim the Christ Church name—pray two blocks away in the bright pink, cream, and teal Arthur R. Outlaw Convention Center, where a blinking marquee announces that "CHRIST ANGLICAN CHURCH MEETS HERE."

Two years ago the schismatics claimed the building on Conception Street—with its Tiffany stained-glass windows, Hook and Hastings pipe organ, and jeweled chalice. They claimed a majority of Christ Church's members as well, and in October 2000 voted to withdraw Christ Church from the American Episcopal movement—citing the movement's tolerance of homosexuality and other liberal apostasies—and affiliate with the newly formed AMiA, the Anglican Mission in America. (Anglican is the term for non-American Episcopalianism.) Outnumbered and outzealed, the traditionalists went to court, where they regained possession of the Church and its endowments last October.

But the battle, which has cut a swath through Mobile's upper class—dividing friends, families, and even banks and investment firms—is far from over. Nor is it confined to Mobile. Across the United States there is a growing schism in the Episcopal Church. According to a report issued last year by the Institute for Democracy Studies, a liberal watchdog group, the Episcopal Church in America (ECUSA) is under attack from conservatives seeking to undercut its long- established progressive agenda. It would be a familiar tale of the growth of American evangelicalism and the decline of mainline Christianity, except for one thing: The conservatives are aided in their work by conservative Anglicans abroad, particularly from Africa and Asia, where the Church is imbued with none of the liberalism that defines it in the United States. In a bizarre twist, Third World clergy, having learned their conservatism from Western missionaries, are now returning the favor by sponsoring conservative American "missionaries" to rescue the American Church

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from its liberal heresies. In fact, when I caught up with the Reverend Tim Smith of Mobile's Christ Anglican (as the schismatics' church is commonly called), he had just returned from Rwanda. "The Rwandans," he reported, "are a godly people." And what would you expect him to say? Having severed his institutional connection to the Episcopal Church in the United States, Smith now calls himself a Rwandan priest.

MISSIONARIES, BY THEIR nature, tend to be more evangelical and more conservative than ordinary Episcopalians. And it was American and British missionaries who brought Anglicanism to Africa and Asia in the twentieth century. Cementing the conservatism of many African and Asian clerics was the Evangelical Fellowship in the Anglican Communion (EFAC), led by John Stott, the charismatic and ultra-conservative rector of All Souls Langham Place in London's West End. In the early '60s Stott developed a scholarship program that brought aspiring clerics from the developing world to England for strictly conservative theological training. Branches of EFAC soon began sprouting up in Anglican communities across the globe; and although its membership was relatively small, EFAC spawned a number of conservative movements and gained a respectable foothold within mainstream Anglicanism.

As a result, strong evangelical movements flowered within the Asian and African Anglican Church. At the 1998 decennial meeting of Anglican bishops from around the world, the few conservative bishops from the United States issued an ad hoc declaration with their more numerous conservative brethren from the developing world against liberal theology and social tolerance—chiefly ECUSA's support for gay priests and gay marriages and its leeway in interpreting the gospel. Rwandan Bishop John Rucyahana demanded the expulsion of 70 liberal American bishops from the Anglican Communion for their tolerance of homosexuality. And a resolution set forth at the conference, and supported by Third World bishops, deemed homosexual practice "incompatible with Scripture." Since then, archbishops from Africa and Southeast Asia have chastised their liberal American brethren at virtually every Anglican forum. And just a few weeks ago at a conference in Oxford on "The Future of Anglicanism," religious historian Alister McGrath warned that liberal Westerners would soon find themselves the minority in the Anglican Communion. Indeed, the evangelical-dominated church of Nigeria now has more than 13 million members, about half the number in Britain; and in Uganda—geographically not much bigger than Oregon—nearly four times more people attend the Anglican Church than do in the United States.

In fact, the developing-world clergy have grown so fervent that the archbishops of Singapore and Rwanda have taken to sending missionaries *back* to the United States, under the auspices of the Anglican Mission in America. Begun in early 2000 by former Episcopal priests Charles Murphy and John Rodgers, the AMiA is headquartered in Pawleys Island, South Carolina. Its funds come largely from ex-Episcopalian congregations, like Smith's in the United States, which also send funds to the Third World clergy who back the AMiA. The "Rwandan" and "Singaporean" missionaries the AMiA sponsors, however, are not Rwandan or Singaporean at all; they are conservative American clerics who want to lead their congregations out of ECUSA without departing from Anglicanism—to drop their liberal theology but hold onto their wafers, chalices, vestments, and, in some cases, sanctuaries. And to do that and still remain within the Anglican Communion, they need an affiliation with an Anglican "province" (or national community)—in this case with one of the African or Asian provinces dominated by their ideological fellow travelers.

The former archbishop of Canterbury, the titular head of the Anglican Communion, has condemned the African and Asian archbishops who have consecrated AMiA's renegade "missionary" bishops. (And his successor, newly appointed Archbishop Rowan Williams, an outspoken liberal, will probably be even less sympathetic to conservative concerns.) But unlike the Catholic Church, the Anglican Church has no pope—the archbishop of Canterbury is merely a "first among equals"—and operates loosely, its standards determined more by its individual priests and bishops than by a central leadership.

IN MOBILE THIS international struggle has mapped onto a local one. Like many Episcopal churches in the United States, Christ Church's flock was declining in the 1970s and 1980s, while membership in Pentecostal and fundamentalist churches grew. Then in 1992 Smith, a former lawyer from Mississippi, took over as rector. Under his leadership the church began moving rapidly toward the standard evangelical package of schmaltzy music, fervent sermons, and biblical fundamentalism. Church membership almost tripled between 1992 and 2000. "'What a relief that things are black and white now,'" a former member recalls one conservative congregant declaring. A prominent part of the Mobile church's ministry, called "The Journey to Wholeness," involved convincing gays to change their sexual orientation or become celibate.

In 2000 Smith launched a bid to wrest the church and its holdings from the Episcopal diocese. In departing the ECUSA, Smith promised his supporters that they would be welcomed by conservative Third World bishops. He cited a letter from the retired bishop of Singapore, who likened leaving the American Episcopal Church to fleeing Sodom. In fact, even before the congregation voted to depart the American Episcopal Church, Smith had requested that he be received as a priest under the aegis of the Province of the Episcopal Church of Rwanda, through the auspices of the AMiA—thus transferring his allegiance from his local Episcopal bishop to the newly appointed archbishop of Rwanda, Emmanuel Kolini (whose predecessor was suspected of colluding in the country's 1994 genocide). Kolini had pledged

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to serve as the fledgling AMiA's presiding archbishop, saying that although the world had stood by during the massacre in his country, "we will never stand back while others are similarly threatened, physically or spiritually."

Smith stands at the vanguard of a trend. All across the United States, particularly in the South and Midwest, conservative "missionaries"—American-born but Third World-aligned—are taking over congregations and trying to withdraw them from the Episcopal Church. So far 40 congregations representing about 10,000 members are under the AMiA's umbrella. That's only a tiny fraction of the 7,400 churches in ECUSA. But considering that there are more than 70 million Anglicans worldwide and a mere 2.4 million in the United States—many of them socially and theologically conservative—the schismatics think time is on their side. For years liberal American Episcopalians have taken pride in belonging to a global church that tolerates different cultures and communities. Imagine their surprise now that some of those other communities no longer wish to tolerate them. ■

The coming Democratic dominance.

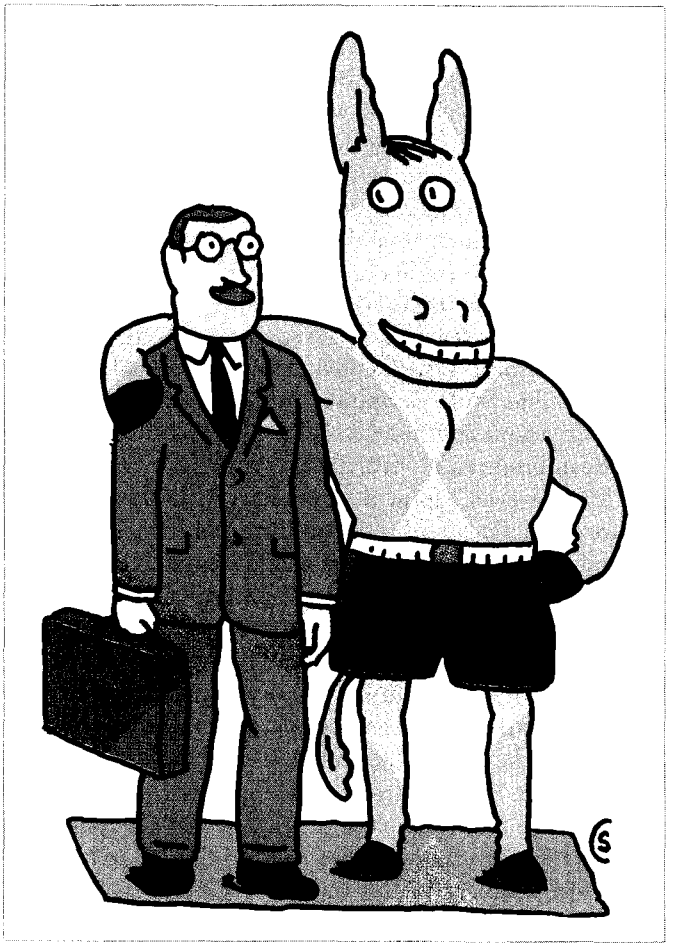
Majority Rules

By JOHN B. JUDIS *and* RUY TEIXEIRA

LONG BEFORE George W. Bush won the 2000 presidential election, his chief political adviser, Karl Rove, was predicting to reporters that a Bush victory would produce a historic political realignment. This new Republican majority would resemble the one William McKinley built roughly one century ago. "I look at this time as 1896, the time where we saw the rise of William McKinley and his vice president, Teddy Roosevelt," Rove declared. "That was the last time we had a shift in political paradigm." Just as McKinley exploited America's shift from an agrarian to an industrial economy to build his majority, Bush would exploit America's "transformational" shift from an industrial to a postindustrial economy to build his. Bush would be the candidate and the president of the "new economy."

In Rove's mind, September 11 has reinforced the parallel: Bush's war on terrorism is the political equivalent of McKinley's Spanish-American War. As *U.S. News & World Report* columnist Michael Barone wrote in February, Rove "looks back to William McKinley, who was elected with 51 percent of the vote in 1896 but whose successful war and domestic policies built that up to a solid majority for years ahead." And the current financial scandals are merely a bump along that inevitable road. The scandals, Rove told NBC's Tim Russert on July 13, are a "business problem ... not a political scandal" and will not affect the underlying movement toward a new Republican majority.

Rove is half right. He's correct that we are in a transformational political era that displays marked similarities to 1896. And he is correct that this era will produce a majority party that dominates American politics for years to come. It just won't be the GOP. To the contrary, ever since the collapse of the Reagan conservative majority, which enjoyed its



SEYMOUR CHWAST

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final triumph in November 1994, American politics has been turning slowly, but inexorably, toward a new Democratic majority. It was evident in Al Gore's popular-vote victory in 2000 (made more significant by the overhang of the Bill Clinton scandals and Gore's ineptitude as a campaigner) and in Bush's and the Republicans' sinking fortunes in the first two-thirds of 2001. It was obscured by the patriotic rush of support for Bush after September 11, which to some extent carried over to the Republican Party as a whole. But it has resurfaced in recent months as Americans have turned their attention back to the economy and domestic policy and away from the war on terrorism. Far from being a temporary distraction from a long-term shift toward the GOP, popular anger at the business scandals and the plummeting Dow heralds the resumption of a long-term shift toward the Democrats.

If this emerging Democratic majority has eluded many observers, perhaps it is because it differs substantially from the New Deal Democratic coalition that dominated American politics from 1932 to 1968. Today the Democrats are increasingly a party of professionals, women, and minorities rather than of blue-collar workers. They are based in post-industrial metropolitan areas rather than in the small-town South and the Rust Belt North. And they are a party of the progressive center rather than the Great Society left or the laissez-faire right. The new Democratic Party's true historical antecedent is, ironically, that same progressive Republican Party of the early twentieth century that Rove identifies with the Bush Republicans. It, and not Bush's GOP, will oversee America's postindustrial transition because it, and not Bush's GOP, embodies the demographic and cultural changes that this new America will bring.

The Rove-Barone Thesis

It is difficult to assess Rove's theory of Republican realignment because, although he refers to it often, he has never publicly spelled it out in detail. For that, one must turn to *U.S. News*'s Barone, who in the 2002 edition of *The Almanac of American Politics* uses Rove's categories and his assumptions to argue that an America evenly divided between Bush and Gore in 2000 is gradually but unavoidably becoming what he calls the "Bush nation." Bush and Gore voters, Barone writes, represent "two nations of different faiths. One is observant, tradition-minded, moralistic. The other is unobservant, liberation-minded, relativist." Barone also depicts Bush and Gore supporters as divided in their view of the free market: Bush voters want "more choice" in economics, Gore voters "more government." The GOP's ace in the hole, argues Barone, is that Bush's voters are growing far more quickly than Gore's. According to Barone, Republicans enjoy an advantage in "the fastest-growing parts of the United States." The United States, he writes, is "moving, slowly, toward the Bush nation."

But Barone's—and by extension, perhaps, Rove's—reading of the nation's changing demography is dead wrong. His argument about the GOP's advantage in the "fastest-growing parts" rests on a simple confusion between the *rate* of growth and the *size* of growth. Yes, Bush did better than Gore in the 50 counties that grew the fastest during the '90s, averaging 62 percent of the vote, compared with 33 percent for Gore. But these pro-Bush counties are relatively small—averaging just 109,000 inhabitants—so their high growth rates translate into only modest increases in actual Bush voters. By contrast, in the 50 counties with the *largest* overall population growth—metropolitan counties averaging 1.46 million inhabitants—Gore won by a decisive 54 percent to 42 percent.

What Barone's numbers really reveal is that Bush and the Republicans enjoy an advantage in rural areas and in the "collar" counties on the edge of metropolitan areas being formed primarily by white émigrés from rural areas. If history were running in reverse, and if the United States were becoming a primarily rural nation, the GOP would enjoy a distinct demographic advantage. But rural America is shrinking—its share of the country's population has declined 17 percent over the last 40 years—while densely populated metropolitan America is growing and, with it, Democratic prospects.

A closer look at Barone and Rove's other categories reveals similar flaws. Take Barone's "observant, tradition-minded, moralistic" believers—a group Rove has cited in pep talks with Republican operatives as the basis for an expanding GOP majority. According to exit polls, Bush beat Gore among voters who say they attend church more than once weekly by 63 percent to 36 percent and among voters who say they attend church weekly by 57 percent to 40 percent. If these groups were growing as a percentage of the electorate, so would Bush's and the Republicans' political fortunes. But they're not; the number of Americans who rarely or never attend church is growing far faster. According to the National Opinion Research Center biennial survey, the number of Americans who said they never attended church or attended less than once per year rose from 18 percent in 1972 to 30 percent in 1998. In 2000 the National Election Study found that nonattenders—who overwhelmingly vote Democratic—represented 27 percent of the electorate. By contrast, voters who identify themselves as members of the religious right fell from 17 percent of the electorate in 1996 to 14 percent in 2000. And according to Notre Dame political scientist David Leege, the proportion of observant Catholics—another Rove-targeted group—also dropped during the '90s.

Barone and Rove's contention that Republicans better represent the public on economics also lacks basis in fact. Popular support for deregulation and privatization (what Barone calls "more choice") peaked between 1978 and 1984 in the wake of Jimmy Carter-era stagflation, but it has been in retreat ever since. Newt Gingrich learned that the hard way in 1995 when he mistook the public's discomfort with Clinton's overly ambitious health plan for public opposition to regulation and social programs like Medicare. If anything, the public now wants more spending on social

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programs and more regulation of business. Bush and Rove have admitted as much by co-opting Democratic rhetoric on key domestic issues—from prescription drugs to environmental enforcement to corporate reform—rather than arguing, as Ronald Reagan did in the early '80s and Gingrich did in the mid-'90s, against greater government regulation. From geography to demography to ideology, the structural forces in American politics—the ones that endure the idiosyncrasies of any given election—are trending the Democrats' way.

The Emerging Democratic Majority

THE MOST STRAIGHTFORWARD evidence that the American electorate is trending Democratic is actual election results. Since losing Congress in November 1994, the Democrats have gained seats in three successive congressional elections; Democrat Bill Clinton easily won reelection in 1996; and Al Gore won the popular vote against George W. Bush in 2000. Perhaps equally telling were the scattered elections held in November 2001. Bush's popularity had soared in the aftermath of September 11, and Republican candidates across the country tied their candidacies to his popularity and to public concern over security. Despite this, Democrats won almost every important election. These included the governorships of New Jersey and Virginia (historically bellwethers of national trends) and mayoral contests in Dayton, Ohio; Los Angeles; and Raleigh and Durham, North Carolina—each of which saw Democrats replacing Republican incumbents. The election in Dayton means every major city in Ohio—often considered a bastion of Republicanism—is under Democratic control. In the longtime GOP stronghold of Nassau County, Long Island, Democrats won both the county executive race and a majority on the county legislature—their first since 1917. The only significant Republican victory came in New York City, where the GOP nominated Michael Bloomberg—a liberal Democrat who had rented the Republican label because he didn't think he could win the Democratic primary.

By itself, of course, the string of recent Democratic successes does not prove a Democratic majority is emerging. But demographic trends suggest something deeper is at hand. Over the past decade not only have Democrats won back some white, working-class voters who deserted them during the '70s and '80s, but they have forged a new coalition that includes three groups: women (especially working, single, and highly educated women), minorities, and professionals—all of whom are growing as a portion of the electorate. These groups overlap in composition, but each entered the party in different stages over the last 40 years for different reasons.

Given the GOP's well-known "gender gap," it's easy to forget that not long ago American women voted disproportionately Republican. In 1960, for instance, women supported Richard Nixon over John F. Kennedy 53 percent to 46 percent. But starting with Barry Goldwater's nomination in 1964, and accelerating after Reagan's nomination in 1980, the GOP's growing social conservatism began driving away women voters. That led, by the '90s, to women regularly supporting Democrats by absolute majorities. In 2000, women backed Gore 54 percent to 43 percent.

This change in women's voting reflects the convergence of an economic trend and a social movement. For at least 50 years working women have supported the Democratic Party at much higher rates than have homemakers. But until recently, most women *were* homemakers. As more and more women have entered the workforce, however—from 37.7 percent of adult women in 1960 to 57.5 percent in 1990—women have begun voting more Democratic. Their entrance into the workforce has been accelerated by the rise of modern feminism, which has produced a spate of contested political issues, from abortion to child care to Title IX. Before 1980, Republicans and Democrats were largely indistinguishable on these issues. But in that election, the first in which gender issues like abortion and the Equal Rights Amendment played a major role, a gap opened that has not closed since—as working women began to suspect that Republican social policy was undergirded by the belief that society would be better off if women returned home.

MAKING MATTERS WORSE for the GOP, the subcategories of women who trend most strongly Democratic are also the ones growing the fastest. Single, working women—who have grown from 19 percent of the adult, female population in 1970 to 29 percent today—backed Gore 67 percent to 29 percent. College-educated women—who have grown from just 8 percent of the 25-and-older, female population in 1970 to 24 percent today—backed Gore over Bush by 57 percent to 39 percent. By contrast, those groups of women who still vote Republican—for instance, white homemakers who live outside metropolitan areas—comprise a steadily diminishing proportion of American women and of the American electorate.

Then there is the "minority vote"—a catchall for a range of groups with varying political histories. African Americans have been voting heavily Democratic since the New Deal and voting overwhelmingly Democratic since the 1964 Civil Rights Act; barring a radical change in Republican social attitudes and economic priorities, they will continue to do so. Among Hispanics, only Cuban-Americans vote Republican, and they make up just 4 percent of the overall Hispanic population. Most Hispanics are either Mexican-American (59 percent) or Puerto Rican (10 percent), and both groups have voted strongly Democratic since the '30s. Although President Bush has, on Rove's advice, loudly courted Hispanic voters, they don't seem particularly receptive. In 2000, for instance, Bush pursued California's Hispanics extensively while Gore neglected the state; but Bush still received only 28 percent of the Golden State's Hispanic vote. Bush did better in his home state of Texas, winning 43 percent of its Hispanic vote. But even there, the broader political trend suggests Hispanics are making the Demo-

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cratic party their political home. In this year's races for the Texas statehouse and state legislature, Hispanics ran in just four Republican primaries—and lost all of them. By contrast, Hispanic candidates ran in 39 Democratic primary contests and won 35, including the gubernatorial primary.

Until the '90s, Republicans could at least count on Asian American voters. While Japanese immigrants voted for the Democrats as the party of civil rights and Filipinos backed Democrats as the party of the working class, the largest Asian group, Chinese-Americans, favored Republicans as the party of anti-communism and of small business. But over the past decade even Chinese-Americans have also moved to the Democratic Party—thanks to the end of the cold war, the party's move to the center, the GOP's opposition to immigration, and its nativist attacks on Asian donors during the 1996 fund-raising scandals. According to the National Asian American Political Survey, Asian Americans favored Gore over Bush by more than two to one.

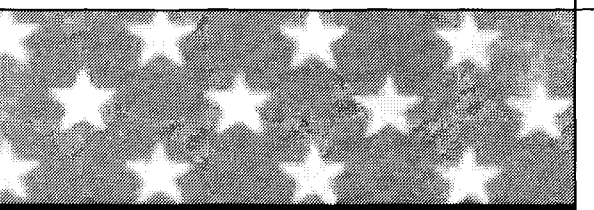
All in all, Democrats can now count on about 75 percent of the minority vote in national elections. And like other Democratic-leaning groups, minorities are growing rapidly. Nationally, minorities made up about one-tenth of the electorate in 1972; by 2000 they were almost one-fifth. By 2010, if present trends continue, that could rise to one-quarter. If you don't think that strikes fear in Republican hearts, just look at California, where a rapidly growing Hispanic and Asian population has helped decimate the state GOP.

The Professional Edge

The most surprising component of the emerging Democratic majority is professionals. Professionals are highly skilled, white-collar workers, typically with a college education, who produce ideas and services. They include academics, architects, engineers, scientists, computer analysts, lawyers, physicians, registered nurses, teachers, social workers, therapists, fashion designers, interior decorators, graphic artists, writers, editors, and actors. In the 1950s they made up about 7 percent of the workforce. But as the United States has moved away from a blue-collar, industrial economy toward a postindustrial one that produces ideas and services, the professional class has expanded. Today it constitutes more than 15 percent of the workforce.

As the professional class has grown, its politics have shifted. Typically self-employed or working for small firms, professionals once saw themselves as proof of the virtues of laissez-faire capitalism. They disdained unions and opposed the New Deal and "big government." In the 1960 presidential election, professionals supported Nixon over Kennedy 61 percent to 38 percent. Since then, however, their views have changed dramatically. In the last four presidential elections, professionals have supported the Democratic candidate by an average of 52 percent to 40 percent. Meanwhile, counties disproportionately populated by professionals—such as New Jersey's Bergen County, the Philadelphia

ELECTRONIC SURVEILLANCE



VITAL TO NATIONAL SECURITY

— OR —

VIOLATION OF PRIVACY?

PRO

Electronic surveillance, including video technology and face recognition systems, can protect innocent lives by helping law enforcement officials detect, investigate, prosecute and prevent crime. It can improve national security by allowing us to check the identity of suspicious persons and suspected terrorists before they get on airplanes. Today, terrorists and other criminals can board flights in the U.S. using false names and fake IDs. The inconvenience of video surveillance during a war on terrorism is certainly a small price to pay for the safety of thousands of people. And the use of passive electronic surveillance systems in certain very public buildings violates no Fourth Amendment principles because they don't require that people be stopped and searched.

CON

Even though the courts have ruled that various video surveillance techniques don't violate the Fourth Amendment, these intrusive techniques raise serious issues of privacy and accountability. They should be stringently controlled. Moreover, the idea that electronic surveillance always makes us safer is a myth. Experts have demonstrated that face recognition technology is less accurate than a coin toss and is easily evaded by terrorists. Electronic surveillance is also dangerous because it can be used... and has been used in the past... to spy illegally on American citizens. Civil rights are as vital to our democracy in times of war as in times of peace. They should not be discarded just because we have been attacked by terrorists.

There are at least two sides to every issue. Our democracy is built on the rule of law. We resolve differences of opinion through dialogue and debate. Disagreement is inevitable. Violence is not.

American Bar Association

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suburb of Montgomery County, and California's Santa Clara County—have gone from Republican to Democratic.

Why do professionals switch party affiliation, while corporate managers and executives—who share a similar economic profile—remain faithfully Republican? One answer lies in their relationship to the private market. While corporate managers are trained to gauge their success through profit and loss, professionals are trained to see theirs as primarily, or at least equally, linked to the quality of the service or idea they produce. Writers want their books or articles to win literary prizes; teachers want their pupils to learn; doctors and nurses want their patients to be cured. But as the ranks of professionals have grown, they have increasingly become subject to control from large institutions—media conglomerates, insurance companies, etc.—that have imposed what they see as alien profit-and-loss standards onto their work. As a result, many professionals have come to draw a sharp distinction between their priorities and those of the market. Once advocates of laissez-faire capitalism, they have grown increasingly amenable to government regulation of business. Thus, in 1999 the American Medical Association—which for decades fought government intervention in the medical field—backed the Democratic version of the patients' bill of rights. Similarly, professionals are the occupational group most supportive of campaign finance reform and environmental and consumer protections. They've even begun joining unions—about 20 percent of them to date.

Of all occupational groups, professionals were also the most affected by the political movements that took root on college campuses during the '60s. As a result, they are far more culturally liberal than their occupational forefathers—sympathetic to feminism, minority rights, and gay rights and hostile to the religious right. These are the people Barone derisively refers to as "liberation-minded"; they value tolerance as an end in itself. In the 2000 election 55 percent backed affirmative action as a response to discrimination, and 62 percent—more than any other occupational group—supported allowing homosexuals to serve in the military.

Initially, professionals voted Democratic out of opposition to conservative Republicanism rather than any affinity with the Democratic Party of labor and big-city machines. Raised in the shadow of Vietnam and Watergate, they were more suspicious of government than was the Democrats' traditional blue-collar base. They favored government regulation but also government reform, including controls on spending. They wanted government to alleviate poverty but not to provide make-work jobs. They were sharply critical of unchecked corporate power but, unlike many labor unionists, didn't see themselves as an interest group arrayed against business, seeking its share of power or wealth. Instead, they saw themselves representing the public interest against the special interests of both business and labor. Children of the cold war and the United Nations, they were more internationalist than hard-hat Democrats and more supportive of free trade and immigration. More than any contemporary social group, they resemble the progressive Republicans of the early twentieth century who defined themselves against laissez-faire conservatives on one side and against socialists and populists on the other.

Though the movement of professionals toward the Democrats was evident as early as the 1972 Nixon-McGovern election, it was not until 1988 that a majority of professionals backed a Democratic presidential nominee: former Massachusetts Governor Michael Dukakis. Unlike Walter Mondale, a party man with deep roots in the labor movement, Dukakis looked like them—a suburban reformer who said the 1988 election wasn't "about ideology, it's about competence." Since then, professional support has become vital to Democratic success. Professionals may only make up 15 percent of the workforce, but they vote at higher rates than any other occupational group. Nationally, they account for about 21 percent of voters; in many Northeastern and Far Western states, they form probably one-quarter of the electorate.

And professionals have contributed more than just their votes to the Democratic Party; they have contributed their political ethos. This ethos—socially liberal, fiscally moderate, critical of the market without being anti-capitalist, and yet comfortable with the emerging new economy—first appeared in the early '80s among so-called Atari Democrats like Gary Hart and Paul Tsongas. But in the '90s it became the dominant political sensibility of the Democratic Party. Clinton staffed his campaign and administration with professionals like Robert Reich, Ira Magaziner, Bruce Reed, Bill Galston, and Laura Tyson, who had come of age in the '60s and '70s and embraced this sensibility. Indeed, Clinton's presidency, particularly after his mid-course correction in 1995, better reflected the political sensibility of professionals than of traditional-base Democratic groups. Clinton stiffed the minority groups that opposed welfare reform and clamored for large-scale jobs programs. He espoused free trade despite union complaints. But African American and labor leaders, chastened by defeat in the '80s and in 1994, deferred to Clinton's ideological leadership and by extension to that of the professionals. If the Reagan coalition had been built primarily around the priorities of the Sunbelt nouveaux riches and the religious right, the new Democratic coalition was rooted in the views of college-educated professionals.

The Ideopolis

Just as the McKinley majority was closely tied to the onset of industrialization, the emerging Democratic majority is closely linked to the spreading postindustrial economy. Democrats are strongest in areas where the production of ideas and services has either redefined or replaced assembly-line manufacturing, particularly the Northeast, the upper Midwest through Minnesota, and the Pacific Coast—including the Sunbelt prize of California—but also including parts of Southern states like Florida, Virginia, and North Carolina. Republicans, meanwhile, are strongest in states like Missis-

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sippi, Wyoming, and South Carolina (as well as in former Democratic enclaves like Kentucky), where the transition to postindustrial society has lagged.

The Democratic vote is anchored in postindustrial metropolises, or "ideopolises." Because postindustrial society is not organized around a rigid separation between city and suburb, these ideopolises comprise entire metropolitan areas, not merely central cities. Some ideopolises contain significant manufacturing facilities—as in Silicon Valley or Colorado's Boulder area—but it is the kind of manufacturing (whether of pharmaceuticals or semiconductors) that relies on the application of complex ideas to physical objects. This has become true even of automobile production in eastern Michigan. While much of the actual production of cars and trucks has moved south to middle Tennessee, Alabama, and Oklahoma, much of the research, development, and engineering of automobiles (which now make extensive use of computer technology) is conducted in Michigan by college-trained professionals. This is one reason Democrats now win elections in once-Republican suburbs like Oakland County outside Detroit.

Some of these ideopolises specialize in what Joel Kotkin and Ross C. DeVol call "soft technology"—entertainment, media, fashion, design, and advertising—and in providing databases, legal counsel, and other business services. New York City and Los Angeles are both premier postindustrial metropolises that specialize in soft technology. Most of these postindustrial metro areas also include a major university or several major universities, which funnel ideas and, more importantly, people into hard- or soft-technology industries. Boston's Route 128 feeds off Harvard and MIT; Silicon Valley is closely linked to Stanford and the University of California, Berkeley; Dane County's biomedical research is tied to the University of Wisconsin at Madison. And all of them have a flourishing service sector—computer learning centers, ethnic and vegetarian restaurants, children's museums, bookstore/coffee shops, and health clubs. To borrow David Brooks's phrase, this is where Bobos (i.e., "bourgeois bohemians") live.

In the most advanced ideopolises, like the San Francisco Bay or the Chicago metro areas, the work and culture of the ideopolis pervades the entire metropolitan area and its occupants. Many of the same people, the same businesses, and the same coffee shops or bookstores can be found in the central city and in the suburbs. The racial conflict that used to define such areas politically, with heavily minority cities voting Democratic and overwhelmingly white suburbs voting Republican partly in response, is fading. Indeed, the more fully a metropolitan area has entered the postindustrial economy, the more the suburbs and the city vote alike. In the 2000 election Gore didn't campaign in Colorado but still carried the Denver-Boulder area 56 percent to 35 percent. He won Portland's Multnomah County 64 percent to 28 percent. Seattle's King County went 60 percent to 34 percent for Gore; and Gore carried Cook County, whose suburbs used to be Republican, 69 percent to 29 percent. And while such ideopolises generally boast a large quotient of new Democratic groups—professionals, minorities, working women—their political ethos is not restricted to these groups. In King County, white, working-class voters backed Gore 50 percent to 42 percent; in Multnomah County, it was by 71 percent to 24 percent. (By comparison, working-class whites nationwide supported Bush by 57 percent to 40 percent.)

If you look at the 263 "ideopolis counties"—counties that are part of metro areas with high concentrations of high-tech economic activity or that contain a front-rank research university—most of them voted for Republican presidential candidates in 1980 and 1984. But in 2000 Gore garnered 54 percent of the vote in these areas, compared with 41 percent for Bush. By contrast, Democrats have continued to lose rural areas (it was Bush's dominance in rural sections of swing states like Missouri that propelled him to victory there) and low-tech metropolitan areas such as Greenville, South Carolina, and Muncie, Indiana. In all, Gore lost non-ideopolis counties 53 percent to 44 percent. Indeed, if you compare 1980—the beginning of the Reagan era—to today, it is clear that virtually the entire political shift toward the Democrats has taken place in ideopolis counties.

These counties, moreover, represent some of the fastest-growing parts of the country. Together, ideopolis counties currently account for 44 percent of the vote nationally. But between 1990 and 2000, the average ideopolis county grew by over 22 percent, compared with 10 percent for the average non-ideopolis county. And ideopolis counties start from a far larger population base—an average of 475,000 inhabitants, compared with just 54,000 for the typical non-ideopolis county. It is these areas—their demography, their culture, and their politics—that Barone and Rove discount at their peril.

None of these trends are inevitable, of course. If the Democrats move too quickly to embrace the culture of the new Bohemia—say, by pressing civil unions or gun prohibition—they could lose much of their still-vital, white, working-class support. Or if they fall back into the bad pre-Clinton habit of wooing interest-group constituents with bloated spending programs, some professionals might start moving back toward the GOP. And if Ralph Nader and the Greens begin regularly pulling in more than 5 percent of the vote in ideopolis counties, Republicans could continue winning elections even as a center-left majority emerges. But as long as the Democrats maintain a fiscally moderate, socially liberal, reformist, and egalitarian outlook, they will enjoy a structural edge in national and most state elections. The Bush administration can scour the coal pits of West Virginia or the boarded up steel mills of Youngstown for converts, but America's future lies in places like Silicon Valley and North Carolina's Research Triangle. The party that most clearly embodies the culture and beliefs of these areas will dominate political discourse in postindustrial America at the dawn of the new century, just as the McKinley Republicans dominated nascent industrial America at the dawn of the last. Today only one party does—and Karl Rove isn't in it. ■

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Stanley Kauffmann on Films

The Scenic Route

THE KINGPIN OF the ensemble that made **Road to Perdition** (DreamWorks) is Conrad L. Hall, the cinematographer. Hall, now seventy-six, has a long and memorable list of credits, including *Butch Cassidy and the Sundance Kid* and *Cool Hand Luke*, but his work here is his best that I remember. *Road to Perdition* is a gangster story set in the Midwest in 1931. Perhaps it was set seventy years ago to give it the aura of mythology. In any case, Hall responds. Though the film is in color, he creates a faded texture, a world that is both antecedent and remote. Further, he can dramatize without intruding. When the protagonist, Michael Sullivan, barrels into the office of a nightclub owner, Hall's lighting conveys easily that this office is the lair of an animal. When Sullivan guns down a half-dozen men in a rainy nighttime alley—rain is virtually a member of this film's cast—Hall's lighting and camera angles transform a conventional gangland massacre into a stark memorial. His work here confirms a peculiar view of mine: cinematography such as Hall's—there are dozens of others—renders much of so-called salon photography superfluous. Doubtlessly some of these film men have learned from some of the salon people, but it would be very simple to select stills from the cinematography of the last fifty years that would make many, many volumes of salon photography redundant.

In this instance, however, Hall's art has been put to dubious use. As my emphasis on the camera work probably suggests, this film looks better than it is. The screenplay is David Self's adaptation of a graphic novel by Max Allan Collins that was illustrated by Richard Piers Rayner. (A graphic novel, I gather, is a highfalutin comic book.) Basically it is another attempt to use the gangster genre as a medium for large, ancient conflicts and loyalties in mankind, but all that we get here is the attempt. So much in the story is so questionable, so shored up with adduced significance, that we are constantly aware of contrivance and of the visual upholstery that drapes it.

Sullivan is a hit man for John Rooney, an elderly gang chief to whom he is a surrogate son. Rooney's actual son, Connor, is jealous of Sullivan and is emotionally unstable anyway. Sullivan himself has two young sons. Thus the film begins with a considerable clutch of father-son linkages. The older Sullivan boy, who is twelve, accidentally witnesses a killing by Connor in which Sullivan is involved. Connor, afraid that the boy will spill beans, goes to the Sullivan home and kills the wrong son—the younger one—and Mrs. Sullivan. Then Sullivan, to protect his other boy and himself, flees with the twelve-year-old. Most of the film deals with this flight, including Sullivan's eluding the killers, his efforts to get money from the Capone gang with whom his own gang is connected, his robbery of country banks in which he uses his son as getaway driver. (He also arms the boy with a pistol.) The cash in those country banks is Capone money. The finish is inevitable.

If this synopsis implies any novelty or depth in the story, it is misleading. Scene after scene reflects comparable moments in gangster pictures of the past. We are being hoodwinked into a sense of freshness and stature by the inescapable power of Hall's camera—and by the inescapable contrivances of the director, Sam Mendes.

Mendes is the Englishman, now in his thirties, who is being celebrated roundabout for his theater and film work. I have seen only one of his theater productions, *The Blue Room*, in which he jostled a wry Arthur Schnitzler play out of subtlety into sensationalism. Mendes's one previous film, *American Beauty*, was a forerunner of his method in *Perdition*. A screenplay laden with clichés and improbabilities was (there, too) so aided by Hall's camera and so gussied up with directorial "touches"—nudges, really—that the triteness of the ideas in the work went largely unnoticed.

Mendes is at it again. This time he frequently uses off-screen effects and silence to jab the tired story. Near the start of the film, Sullivan comes home and goes upstairs, where he finds his murdered wife and boy. The camera does not go up with him: we wait below and hear the man's anguished cry. The device masks the scene's familiarity. In the rainy machine-gun sequence, Mendes suppresses the voices and gunshots: we hear only the soundtrack music. This dodge is meant to persuade us that this is more than a commonplace shoot-out scene. Less effective trickery recurs and recurs via immense close-ups—a cigarette between a man's lips, for instance—as if to assure us that the moment only looks trivial but is really huge.

None of these showy effects, even when they work, relieve Mendes of responsibility for the falsities that scar his film throughout. A few instances. Shootings abound, in hotels and offices and elsewhere, but only in one scene does the noise bring bystanders to the scene. The Sulllivan son drives the getaway car, yet no cop ever stops that car because a twelve-year-old is at the wheel. The Capone gang moves very weakly to halt Sullivan's robbery of their bank stashes. The opening and the closing of the film are beach scenes with the boy staring at the immense sea, as if the story between those vistas were an epic as vast as the swell of the ocean. The most questionable point of all: at the end, the boy, whose voice-overs have been heard previously, wonders about judging Sullivan père and concludes with an acquittal: "He was my father." Indeed he was, a father who made his son an armed accessory to several crimes. We hear nothing about the son's later realization of this fact or about any police action against him. All these fissures in the script, and more, are lacquered over with Mendes's beautifying brush.

The acting is, for the most part, passable. Tom Hanks, as Sullivan, continues in his recent semi-retired style. Compare his concentration and focus in, for instance, *Philadelphia* and *Forrest Gump* with his relatively vacuous presence in *Saving Private Ryan* and *Perdition*. Jude Law plays an eccentric photographer who specializes in studies of corpses, sometimes providing his own subjects: the Capone bunch hires him to rub out Sullivan. Law, a notoriously handsome actor, blackens his teeth and puts on a funny hat along with eccentric speech and walk—in short, does the sort of fourth-rate Moscow Art Theater cameo that is meant to make us catch our breath. It does, but not as intended.

The only unshakably true performance comes from Paul Newman as old Rooney. In particular, in a church basement the elder man strips his character naked and urges Sullivan to be equally candid. This

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is the one moment that sounds the diapason of ruthless fate that has eluded the film. (Apropos of the church setting, this whole story, like so many Mafia and Irish gangster stories, moves through the Catholic church and its rituals. I could not help wondering how many priestly confessors carry criminal secrets locked within them.) It is only the peripheral presence of the church that justifies the picture's title.

Road to Perdition is one more in a long line of films that alter the status of the audience. We, willy-nilly, become confessors: we supply the moral balance of the story. Older films about evildoers usually included Good Characters. (In *The Public Enemy*, for instance, a prototype of gangster pictures, James Cagney's mother and brother serve as balance and yardstick.) Now we are in the age of *The Sopranos*, a show that, as I've seen it, is meant to move us with the domestic troubles of murderers. *Road to Perdition* takes the matter further: possibly excepting a background farm couple, it has no moderately decent character. The non-criminals present are ourselves.

Well, perhaps because most of us in Mendes's audience are not murderers, we can at least see that his film is a flawed account of foul lives, aesthetically aggrandized. ■

Television collides with the Supreme Court.

And Prime Time for All

By JEFFREY ROSEN

I.

IN RECENT MONTHS, two network dramas about the Supreme Court were introduced with the usual hype and then promptly canceled. *First Monday* lasted a few months; *The Court* lasted only a few episodes. No one lamented the rise and fall of these earnest but shallow shows: both turned out to be formulaic soap operas that congratulated themselves in every scene upon their allegedly higher purpose. The shows, after all, purported to bring legal and moral and political and philosophical issues to the prime-time audience: to entertain by educating and to educate by entertaining. Alas, they did neither; but during their mercifully brief runs both shows revealed useful lessons about the way the Supreme Court has been received in American popular culture.

First Monday and *The Court* followed strikingly similar scripts, constructed out of clichés and stereotypes. Both shows revolved around an earnest and incorruptible swing justice who had just been appointed to an evenly divided Court, composed of four predictable conservatives and four reliable liberals. Realism! Rather than siding with the warring factions, the heroes of both shows—Joe Mantegna in *First Monday* and Sally Field in *The Court*—resolved to keep an open mind and to vote their conscience in each case.

FIRST MONDAY
CBS

THE COURT
ABC

WHEN LAW GOES POP: THE VANISHING LINE BETWEEN LAW AND POPULAR CULTURE
by Richard K. Sherwin
(University of Chicago Press, 325 pp., $27)

THE FORGOTTEN MEMOIR OF JOHN KNOX: A YEAR IN THE LIFE OF A SUPREME COURT CLERK IN FDR'S WASHINGTON
edited by
Dennis J. Hutchinson
and David J. Garrow
(University of Chicago Press, 310 pp., $32.50)

("There's no middle ground here," a snarling colleague tells Field on her first day on the job. "I don't know where you're coming from. Do you?" "There's only one way to answer that," she replies gravely. "It's one vote at a time.") Both characters were devoted to their spouses and constantly suggesting in the bedroom that they would rather be making love than law. Mantegna played Joseph Novelli, a tough but fair Italian-American who relaxed by cooking pasta for his wife and kids. Field played Kate Nolan, a tough but fair former governor who relaxed by walking soulfully up the Supreme Court steps to gaze at the legend "Equal Justice Under Law." (Throughout these inspirational walks, you kept imagining her gathering up her robes, stretching out her arms, and taking off: the Flying Justice.)

The clerks on both shows were played by extremely good-looking young models—a liberal young woman and a conservative young man—who flirted constantly with each other and competed for their justices' ears. Their job consisted of walking up and down the public staircases of the Supreme Court theatrically arguing the merits of each case as the silent justices walked in front of them listening intently. All the clerks burned with righteous passion, and when the justices decided to reject their arguments the young intellectual stallions threatened to quit in protest. "My integrity won't permit me to be little more than conservative window dressing. I think I should resign," said Miguel on *First Monday* after the justice refused his recommendation to overrule *Roe* v. *Wade*. "I know you have the intelligence and fervor to be the other end of a seesaw," Novelli replied. "But I never thought you'd be lacking the most important ingredient: the balls." On *The Court*, the resignation scene was more of an International Coffees moment. "This isn't about my career. It's about having blood on our hands," said the sobbing liberal sexpot when Sally Field refused to grant a stay in death penalty cases. "I'll resign." Field gave her a hug and wiped away her tears. "I respect your passion," she sagaciously responded. "I need it. I don't ever want the decision I made tonight to be easy. OK? Go home. We'll talk tomorrow." "Thank you," sniffled the juicy clerk gratefully as the violins swelled.

The other justices on both shows were interchangeable caricatures from central casting. There was the tough-talking liberal woman from New York; the fat, tippling, Catholic, pro-life, conservative old white guy; the kindly and wise liberal black woman; and the kindly and wise liberal black man. The chief justices—played by James Garner and Pat Hingle—were avuncular conservatives, principled but always aware that life is complicated, who lobbied the new justices by inviting them over for sherry or for workouts in the Supreme Court gym. They were as predictable as the

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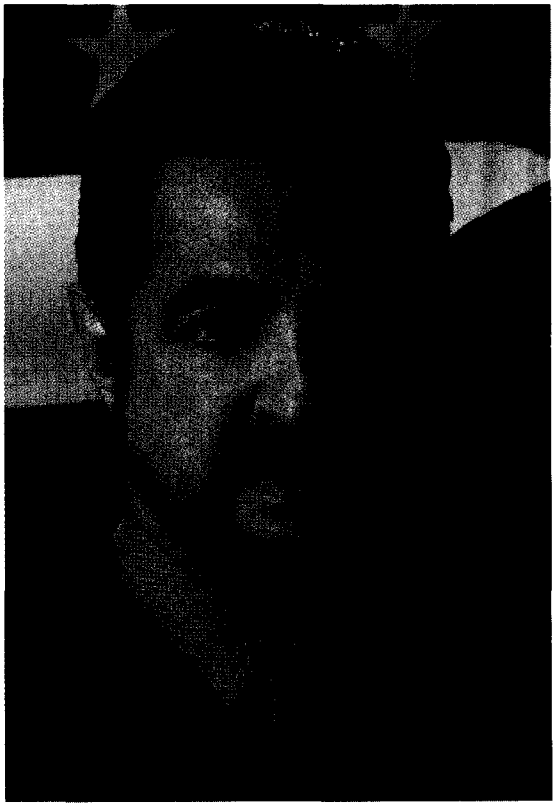
real talking heads—such as Jerry Falwell and Gloria Allred—who played themselves on both shows' parodies of *Crossfire*, a show called *Curveball*, yelling embarrassingly at each other and rehearsing the most extreme arguments in each case. (Maybe they weren't parodies after all.) In a jarring merger of reality and fantasy, Joe Mantegna made up his mind in important cases by listening to the arguments parroted by Falwell and Allred on the fictional show.

IN FACT, BOTH *First Monday* and *The Court* gave us the *Curveball* view of the law, in which all the arguments are presented in the most polarized and simplistic terms and only the open-minded hero can ensure the triumph of justice. But the vision of justice that was peddled on primetime television was entirely personal. Instead of exploring the clash of important legal principles, every case was reduced to the most formulaic human drama, with a Big Conflict (usually involving violence or sex); a tie-breaking vote cast by the swing justice, who was sorely tempted to do the wrong thing because of a domestic drama of his own that tidily paralleled the one in the courtroom; and a neat resolution as the credits rolled. What was sorely missing from these depictions of the law was the law itself.

The formula was encapsulated in an episode of *First Monday* called "Age of Consent." The show began in a courtroom. "I believe you are sufficiently well informed to proceed with the abortion," the trial judge told a sobbing young woman. "No!" shrieked her mother. "You can't tell her that!" "Actually, according to the U.S. Supreme Court, I have no choice," he replied. The legal question seemed to be whether the Supreme Court should overturn its decision of 1979 that states may not require minors to obtain their parents' consent before getting an abortion without allowing judges to excuse them from the requirement in unusual circumstances. But in this primetime vaudeville, the distinction between the Supreme Court and the legislature was constantly confused. In one particularly muddled scene, the two pro-life justices were conspiring together over brandy. "Abortion is wrong, Thomas," said one. "But is it unconstitutional?" Thomas asked boozily. "It is if we can muster five votes," his worldly colleague replied.

Good melodrama; bad constitutional law. The Supreme Court does not now have the power to make abortion unconstitutional. It has the power only to uphold or to strike down laws passed by Congress or state legislatures declaring abortion to be illegal. If the Supreme Court overturned *Roe* v. *Wade* tomorrow, abortion would be neither unconstitutional nor constitutional; instead Congress or the states would be free to protect or to restrict abortion according to the people's will. But on *First Monday*, every legal question was personalized, so the justices ended up arguing not whether the Constitution requires a judicial bypass procedure but whether a particular young woman was mature enough to get her abortion. And



COURTESY PARAMOUNT INTERNATIONAL TELEVISION

Justice Joseph Novelli

the answer, inevitably, was yes.

In a tearful conversation with his wife, Novelli agonized over the abortion decision, and over the fact that his son wanted to go to Europe with his friends. "He's the same age as that girl who wants an abortion," his wife observed. "Are you saying that because I won't let Andrew go to Europe, I shouldn't let that girl have an abortion?" Novelli asked searchingly. "Shouldn't we let a parent make that decision, not a judge?" asked his wife. "Speaking as a parent, yes. As a judge, I don't know," he replied.

In the end, of course, Novelli was swayed by his domestic drama: his son visited him in his chambers and reminded the justice that he, too, had taken a trip to Europe when he was young and made his own mistakes. "You raised me," the son said. "Do you honestly believe I can't handle myself as well as you did?" The justice thanked his son for teaching him an invaluable lesson about the wisdom of youth. (In these shows the clerks and the children were always the justices' teachers: all traditional forms of authority were turned upside down.) And in the justices' conference Novelli announced that his conversation with his son convinced him to cast the tie-breaking vote to allow the girl to have an abortion without her parents' consent. Then the domestic conflict was glibly resolved. The girl's parents ran into their daughter and her lawyer in an airport on the way to have the abortion. Despite their defeat in the Supreme Court, they immediately hugged and made up. "Your mom and I can never agree with what you're going to do, but neither can we stop loving you," said the father. "Would you like me to be there when you do it?" asked the mother. "Would you?" sobbed the girl. "Of course. It will be OK, baby. It will be OK." More hugs, more tears.

IT NEVER OCCURRED to the makers of these shows that there are times when the conflict between principle and emotion must be resolved in favor of principle; that the personal is not always the highest authority; that a contradiction between what one believes and what one loves must sometimes be only endured, because it cannot be neatly resolved. But this is television, where complexities are never more than plot devices and people never do more than feel. And so the other episodes of *First Monday* followed the same dreary pattern. In the right-to-die episode—every episode was designed to push another political button, as if the business of the Court consisted entirely in wedge issues—the question was whether a wife should be able to pull the plug on her comatose husband against the wishes of her daughter. Charles Durning, the fat, tippling, Catholic pro-lifer, was humiliated by the fact that his colleagues thought he was losing it and wanted him to resign. Equating his own fate with that of the comatose man, he led the fight to keep the man alive. And lo and behold, Mantegna had an aunt who was also comatose, and an uncle who had promised to sit at his wife's bedside until she expired of natural causes.

Mantegna was swayed in the end by the wife's devotion to her husband. "I believe

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she is operating in good faith, and I don't think I could make a better decision that she," he said at the conference, casting the tie-breaking vote to let her pull her plug. He then called his comatose aunt to assure her that he would never pull the plug on her. "Aunt Zena, it's Joey," he sniffled as the credits rolled. Of course, no real justice would put himself in the position of judging the good faith of a particular family member in a right-to-die case. But the constitutional question—was the Supreme Court wrong to hold in 1990 that states may require people to make their intentions clear before family members can pull the plug on their behalf?—was too abstract to be entertaining, and therefore too abstract to be entertained.

Television reporters who cover the Supreme Court regularly complain that their editors have no patience for legal arguments, which are too removed from daily life to interest a television audience. Instead, the reporters are forced to reduce every case to human terms, telling cloying stories about the personal ordeals of the parties in the case. These dramas have little to do with the work of the Court itself, since most justices are moved more by ideas, ideologies, constitutional methodologies, temperament, and their attitudes toward precedents than by their sympathy or antipathy for the parties in a particular case. Indeed, Justice Antonin Scalia has argued that a focus on doing justice for a particular plaintiff and defendant, in the manner of a common law judge, is an inappropriate model for judges in constitutional cases, who are supposed to be governed by attention to constitutional text and history rather than distracted by the human dramas before them. After all, law exists in part to challenge the authority of emotion and experience, aspiring to detachment and objectivity. But in our popular culture (and among some of our philosophers, too), everything is a story and subjectivity is gold.

II.

Richard K. Sherwin worries that legal culture and popular culture are not merely intermingling on television shows. He argues in his new book that televised depictions of law are also shaping the perceptions and the processes of reasoning that influence the way jurors judge and voters vote. Owing to the narrative demands of television, which require images rather than arguments, and which are driven by sentiments rather than by facts, law is increasingly becoming a spectacle, mimicking the style, the techniques, and the visual logic of advertising and public relations. "The trial stories that offer the most familiar images, characters, and plot forms," Sherwin contends, "are the ones most likely to get on the air. Once ensconced there, they are more likely to stick in the viewer's mind (including actual or prospective jurors).... This encourages lawyers and their public relations agents to pitch their clients' stories in terms of TV reality."

Sherwin worries that as the courts are internalizing and reflecting the image-based logic of popular culture, "law's breaking function, its ability to check popular passions and prejudices, breaks down." The transformation of legal into televised reality "involves sensationalization, subjectification ... the fragmentation of authority," and a general erosion of law's legitimacy. And "that is what happens when law goes *pop*."

COURTESY WARNER BROTHERS TELEVISION

Justice Kate Nolan

Sherwin worries a little too much. If these solemn, boring Supreme Court shows are any guide, the vision of justice that television projects does not really reflect popular passions and prejudices. Instead of being crudely majoritarian or even conventionally liberal in the Hollywood style, the swing justices on both shows tended to take positions that were reliably libertarian. The girl gets the abortion, the wife gets to pull the plug, a sexual harassment code in school is struck down. Yet the libertarianism of the shows hardly expresses a principled commitment to individual freedom. It is, rather, an offshoot of the requirements of narrativity: by placing an individual at the center of each drama, and by creating a dramatic human conflict that must be resolved by the end of the hour, the writers stacked the deck in favor of allowing the individual to do whatever it was that the state or the evil family member or some other authority figure was trying to prevent him or her from doing.

These shows were not biased toward mob rule. They depicted instead the banality of sentimental individualism. As Sherwin notes, "people prefer stories neat. Recognizable characters, familiar motives, and recurring scenarios of conflict and resolution are typical elements of our workaday narrative world." Storytelling takes the place of reasoning; and the story requires an easily recognized narrative, which often tries to attract an audience by creating an intense and even lurid conflict, a backstage drama, and a satisfying resolution. Like trial lawyers, television producers try to tap into what Aristotle called "enthymemes," which Sherwin defines as "the common constructs we carry around in our heads ... the recurrent scripts and simplified worlds, the familiar stories and scenarios, the popular character types and plot lines ... that serve as the building blocks of reality making." The people who write the scripts assume that a mass audience will respond more viscerally to characters with whom it can identify; and the visceral response is all. And so there is good news in the failure of these Supreme Court shows to catch on, and a warning to Sherwin-like pessimists. When the law stories are too simplistic, earnest, and trite, they lose their appeal and are canceled.

It may be that judges, unlike cops, are essentially untelegenic. An unblinking account of the real Supreme Court justices, in all their undramatic yet surprising eccentricities, would reveal far more about the way law is made than the earnest platitudes of these unlamented prime-time legal soaps. Happily, a tell-all memoir from the age before tell-all memoirs has just stepped into the void. *The Forgotten Memoir of John Knox: A*

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Year in the Life of a Supreme Court Clerk in FDR's Washington is the first personal memoir drafted by a Supreme Court law clerk. The egregious invasion of privacy that this memoir represents is partly (but only partly) mitigated by the fact that the book was published nearly fifty years after the death of the justice in question, James McReynolds. The portrait that emerges from this odd and unexpectedly riveting book could not possibly have been invented by the most creative scriptwriters in Hollywood.

McReynolds was one of the most unpleasant characters ever to sit on the Supreme Court. Known as "the rudest man in Washington," he was an unapologetic racist and anti-Semite. There was no Supreme Court picture in 1924 because McReynolds refused to be photographed next to Brandeis, as protocol required; and he also declined to sign the traditional letter of regret in 1939 when Brandeis retired. When John Knox expressed an interest in meeting Brandeis, McReynolds's manservant Harry explained that this was impossible: the only Jew who had ever been allowed in McReynolds's apartment was Mr. Garfinkle, from the Washington department store. In his clerk's account, McReynolds was equally disdainful of blacks. He reprimanded Knox for getting too close to Harry, noting: "I do wish you would think of my wishes in this matter in your future relations with darkies." And he treated Harry, who was as much a nursemaid to him as a valet, as a human hound dog: when McReynolds shot ducks in the Virginia countryside, he insisted that Harry wade into the freezing water to fetch them. "Man, oh man, is that cold work!" Harry exclaimed.

"THIS IS THE story of a bachelor seventy-five years old, and of my experience with him and his Negro maid and butler," this extraordinary memoir begins—Mr. Belvedere meets Jim Crow. The opening sentence certainly promises a good story, but there is no danger of televisual vulgarity, because the world that Knox describes is planets away from the false informality and the cloying familiarity of television. Instead of cooking pasta for his clerk, Justice McReynolds subjected him to a year of terror. Knox was cautioned by a fellow justice always to stand in McReynolds's presence unless he was asked to have a seat, and to address him as "sir" at all times. He was expected to sit at his desk in McReynolds's apartment even when he had no work to do, and McReynolds, whom we would call a control freak, often telephoned from the Court for the sole purpose of making sure that the young man had not left his post. "I was beginning to feel that his was truly a complex personality," Knox writes. "Though I had already lived for several weeks in intimate and daily association with him, I still felt that I did not know him at all."

To break down the justice's reserve, Knox asked him what advice he would give to a young lawyer just starting out in practice. McReynolds promised to think about this innocuous request, but said nothing for three days. On the fourth day he appeared in a starched-cuff shirt and an ornate silk lounging robe to deliver an impassioned soliloquy against the New Deal. He railed against the Roosevelt administration for leading the country "down the road to Socialism and the destruction of states' rights" by repudiating the campaign platform of 1932, recognizing Soviet Russia, and creating the New Deal bureaucracy in Washington. "If it were not for the Court," he announced, "this Country would go too far down the road to Socialism ever to return." After a dreamy pause, he ended his reverie and returned to the subject at hand. "Also, don't be a bachelor," he exclaimed. "And another thing! Don't ever wear a red tie. It is much too effeminate for a lawyer to do. I don't like red ties!"

In order to talk behind his back, McReynolds's servants gave him a secret code name: Pussywillow. This lends a nice air of drawing-room comedy to the proceedings. "'Oh, Oh,' Mary exclaimed under her breath in a typical apostrophe. 'That must be Pussywillow. How come he's come home so soon?'" Pussywillow appalls Knox by splashing around so enthusiastically in his bath every morning that he leaves pools of water in his wake. But there was nothing comic about McReynolds's glacial relations with his servants and clerk. McReynolds forced Knox to spend much of his time mastering the Japanese complexity of calling-card etiquette that governed Washington's social scene before the war. (If a justice wished to recognize a family socially and allow them to invite him to dinner, his card had to be sent within twenty-four hours after the family had left cards with him. If it was delivered by hand, the right-hand corner had to be folded over, a requirement that confused Knox for several days.)

McReynolds's dictated opinions were so conclusory and superficial that Knox came to scorn him. "I also felt that scores of members of the 1936 class at Harvard Law School could have produced a better opinion than the one McReynolds wrote," he declares. (It is a typical clerk's conceit.) Although appointed by Woodrow Wilson, who was happy to promote his disruptive attorney general, McReynolds abandoned the trust-busting that made his early reputation. On the Court he became an opponent of economic regulation in all of its forms. His opinions were brief and noted mainly for the fervor of their resistance to the New Deal: dissenting from the Court's holding that the National Labor Relations Board could regulate a steel company because its activities were national in scope, McReynolds objected that, according to the majority's theory, "almost anything—marriage, birth, death—may in some fashion" be subject to federal regulation. (The conservatives on the Rehnquist Court have used the same example in resurrecting limits on Congress's power today.)

Instead of threatening to resign when McReynolds voted to strike down the New Deal, Knox held his tongue. But when McReynolds discovered Knox studying for the bar in the Court library rather than waiting in his empty apartment, he fired his clerk thirteen days before the end of the term. Still, even McReynolds had his tender side: he had a liking for young children, which he demonstrated by having himself photographed with a mother and her baby during an excursion to West Point, and when he died he left more money to war orphans than to his longtime retainers Harry and Mary. You end up liking the egregious McReynolds more than the sappy justices on the television shows, because he is more recognizably human.

ASIDE FROM THE voyeuristic pleasure of seeing an eccentric justice unmasked in his boudoir, what do we learn from this weird and strangely compelling book? There is, most of all, the discovery that McReynolds's opinions opposing the New Deal were based less on a commitment to constitutional principle than on a virulent hatred of Franklin Delano Roosevelt. The justice goes into a funk when it appears that Roosevelt will win the election of 1936 and anxiously consults with his stockbroker about how to protect his assets during the Court-packing plan. After Justice Owen J. Roberts's "switch in time," which led to the narrow upholding of the New Deal, McReynolds meets with his fellow conservative dissenters, the four horsemen, in his apartment to divvy up the dissenting opinions in the important New Deal cases. But instead of rising to the occasion, the lazy McReynolds produces slipshod, cut-and-paste dissents, which he declines to read from the bench, preferring instead to deliver an impassioned extemporaneous denunciation of the New Deal that goes

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on for a half-hour.

Holmes considered McReynolds an uninteresting lawyer but an "extraordinary personality—what matters most to him are personal relations, the affections. He is a *Naturmensch*—he has very tender affections and corresponding hates." McReynolds's affections were focused on the children of strangers, while his hates included many of those who surrounded him—blacks, Jews, and weak men such as Knox. (As it happens, Knox had a sad life after his clerkship, moving from failure to failure but always dreaming of the posthumous fame that his memoir would bring.) But unlike the earnest characters on the Supreme Court docudramas, McReynolds was not swayed from case to case by his personal sympathies for one party or the other. Instead his sympathies and his antipathies were more general—at times they seem almost like principles, even if they seem also like ugly principles—and more jarring. This is why it is more illuminating to peek behind the curtain of McReynolds's harrowing household than to peer at the boring family dramas trotted out by the networks.

Justice Scalia has opposed the introduction of cameras in the courtroom on the grounds that the arguments are likely to be taken out of context. Since the television audience has a short attention span, Scalia argues, melodramatic snippets of oral arguments will be played on the evening news, reducing the legal issues in each case to banal human dramas and giving a misleading impression of the stakes in each case. If the arguments were broadcast in their entirety, Scalia argues, he would withdraw his objection, but he believes that few Americans would sit through the arguments from beginning to end, and so he fears that cameras would distort public understanding of the Supreme Court rather than increasing it. Network television has just proven him right, although in one respect it is a pity that the proceedings of the Supreme Court will not make it into the dens and the rec rooms of America: it has been a long time since prime time has delivered as sophisticated and Manichaean a rogue as Scalia himself. ■

An Unbeautiful Mind

By SIMON BLACKBURN

Faith, Science and Understanding by John Polkinghorne

(Yale University Press, 208 pp., $19.95)

The God of Hope and the End of the World by John Polkinghorne

(Yale University Press, 192 pp., $19.95)

I.

ACCORDING TO BOSWELL, Hume once remarked that "when he heard a man was religious, he concluded he was a rascal, though he had known some instances of very good men being religious." The face on both of these books must surely belong to someone in the small set of counterexamples that even Hume admitted. Sir John Polkinghorne—fellow of the Royal Society, doctor of divinity, sometime professor of particle physics at the University of Cambridge, recipient of this year's $1 million Templeton Prize in religion—beams out like an Anglican clergyman from central casting, white-haired, wholesome, and radiant: a one-man Ode to Joy. And on reading these volumes, one can see why. It is pretty uplifting to be a scientist-theologian, happy with the universe, confident of the ways of the Lord. It is especially fizzy to be such a figure in Cambridge, where Sir Isaac Newton himself, as well as writing *Observations Upon the Prophecies of Daniel and the Apocalypse of St. John*, left nearly a million and a half words on theological subjects. Admittedly, another Cambridge professor, A.E. Housman, wrote that "malt does more than Milton can/To justify God's ways to Man"; but this is not Sir John's view at all. And Housman was not a scientist.

Polkinghorne's beam is the more surprising since he holds the belief that unless some things last forever, everything is futile, a "meaningless empire of accident." This would wipe the smile off the face of many scientists. For science is not good about "forever." It paints a different picture of the world in which we find ourselves. Science teaches that the cosmos is some fifteen billion years old, almost unimaginably huge, and governed by natural laws that will compel its extinction in some billions more years, although long before that the Earth and the solar system will have been destroyed by the heat death of the sun. Human beings occupy an infinitesimally small fraction of space and time, on the edge of one galaxy among a hundred thousand million or so galaxies. We evolved only because of a number of cosmic accidents, including the extinction of the dinosaurs some sixty-five million years ago. Nature shows us no particular favors: we get parasites and diseases and we die, and we are not all that nice to each other. True, we are moderately clever, but our efforts to use our intelligence to make things better for ourselves quite often backfire, and they may do so spectacularly in the near future, from some combination of manmade military, environmental, or genetic disasters.

That, more or less, is the scientific picture of the world. It proves so disturbing to some people, such as creationists, that they prefer not to believe it. Yet the scientist-theologian cannot take the stupid option. So Polkinghorne wishes to reconcile the scientific understanding of the world with the idea of a guiding intelligence, a designer who put the whole show together. Alongside science—or, in some passages in Polkinghorne, reigning over science—goes the quest for theological understanding of the world's maker and his (or her, or their) purposes. This is Polkinghorne's unpromising agenda, and it has to be said that he pursues it with a fervid diligence that few believers can match. His twists and turns have much to teach those who protect their belief in the divinity mostly by not thinking the thing through.

Science is firstly supposed to help the theist agenda by showing us how to frame hypotheses about the nature of the divine. Polkinghorne is a "critical realist" about science: he believes that the scientific method is adapted for discovering the

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truth, although its results are often provisional and in principle can be overturned by better theories to come. Yet he allows what is called the "inference to the best explanation," whereby we are perfectly entitled to hold our theories, albeit in a fallibilist or open-minded spirit. The point, then, is to show that the hypothesis of divine providence is really a simple extension of scientific thinking; that religion is really an extension of science.

THINKING SCIENTIFICALLY, what then might be the best explanation of the cosmos in which we find ourselves? What is the best explanation of the Vale of Tears in which human life plays itself out? The eighteenth century and (despite the best efforts of Hume and Kant) the early nineteenth century seized on the answer: there is a divine architect. It is often thought that Darwin scotched this answer by providing an evolutionary explanation of the existence of complex life. On this account, Hume and Kant failed to kill the argument of the divine architect, the argument from design, and it was only when Darwin came along that it withered in the popular imagination. Some scientists, notably Richard Dawkins, have been a little triumphalist about this. But their exhilaration was premature. For we have only to find some other fact about the cosmos, one that resists Darwinian or biological explanation, for the argument to get back into gear.

Polkinghorne's favorite fact is the minute adjustment of the various cosmological constants and magnitudes without which large atoms and molecules could not exist. Why do they have these fortunate properties? We do not know; and in the absence of fairly wild cosmological speculation, there is no evolutionary story to help us. Most scientists would surely leave it there. Maybe one day there will be a physical theory explaining the value of these constants, or maybe not. But Polkinghorne jumps in. The problem signals the need for a "deeper form of intelligibility, going beyond the scientific." In other words, it must be due to the divine architect, or providence, lovingly going to all that trouble to make a universe especially for us.

Hume and Kant told us that such thinking is natural, but not scientific. It is extravagant, and it is not falsifiable, since it generates no new predictions. It merely represents a primitive preference for explaining the unknown in terms of agency rather than in terms of nature—a tendency that science had to suppress and to overcome before it could develop. And it requires truly spectacular leaps of understanding. The minds that we know about are physically embodied and dependent upon physical brains. But the mind of the architect is not. Our minds cannot make things without materials and their abiding properties. But the architect can. Our minds require physical birth and nurture, language and culture. But the architect requires none of these things.

We also face a regress of second, third, and upward architects, meta-designers, each responsible for the previous one. After all, if the balance and the complexity of the world needs to be explained by a designer, then the superior balance and the superior complexity of this designer is also in need of explanation. But no, the divine mind is self-sufficient. The elephant (the cosmos) has to stand on something, so we suppose it stands on a tortoise (an architect). And what does the tortoise stand on? Nothing. Tortoises just stand. So now we need to ask why, if tortoises can just stand, elephants cannot.

But even waiving these familiar objections, where do the leaps of logic land us? If all of an architect's buildings use lots of glass, we presume that the architect is happy with glass. We proportion cause to effect. Similarly, if all we know about a designer is that he designed a Vale of Tears, the natural inference, the scientific inference, the economical inference, is to a mind that gets off on Vales of Tears. Or more cautiously, one might speculate about a designer, or a design team, that either does not know about the tearful bits, or does not care about them, or cannot in any case do anything about them. Hume put the point in his inimitable way. He says of someone using the design argument:

> This world, for aught he knows, is very faulty and imperfect compared to a superior standard; and was only the first rude essay of some infant deity, who afterwards abandoned it, ashamed of his lame performance: it is the work only of some dependent, inferior deity, and is the object of derision to his superiors: it is the production of old age and dotage in some superannuated deity; and ever since his death has run on at adventures, from the first impulse and active force which it received from him....

If we are told, moreover, that after death we go to another world that the same architect designed, our best bet—thinking scientifically, of course—will be that this other creation of the same designer will be much like this one. If the just suffer and the unjust flourish in this world, that is probably how it will always be. Suffering worlds are what this architect does, judging from the one sample of his work that lies in view. Naturally enough, Hume concludes that so "wild and unsettled" a system of theology is in no way preferable to none at all. Or as Wittgenstein was later to say, nothing will do as well as something about which nothing can be said.

II.

THE DESIGN ARGUMENT is all you get, or in fact a bit beyond what you get, when you think scientifically. So to bypass all the devastating Humean objections, the scientist-theologian has to make a break. The answer, unsurprisingly, does not lie in scientific thinking. It lies in revelation. The mind of the architect, read off from the world as a whole, does not do much for us. We have to cope with the world as it is, whatever we think about whether it is the creation of someone who creates worlds like this. But the architect's mind as revealed not by the world, but by what people say about it: now that is a different story.

Revelation comes in two flavors: your own, or that of others, personal or historical. Polkinghorne allows for the former. At least he thinks that the experience of being bowled over by a piece of mathematics, or the awfulness of moral duty, or the beauty of the morning primrose, gives us glimmerings of the divine nature of providence. Or as he would put it, they afford fructifying and salvific multi-leveled encounters with Reality. "Encounter" is a favorite word in this kind of theology, because it neatly insinuates success without actually stating it. In this way one can speak of Conan Doyle's encounter with fairies, referring just to Conan Doyle's experience when he was duped, but a page later presuppose that since Conan Doyle encountered fairies, there were fairies there to be encountered.

Polkinghorne prudently concentrates upon history. Personal revelation is not really for Anglicans, raising on the one hand the Anglican dread of superstition and Rome, and on the other hand the Anglican loathing of enthusiasm and low-church anarchy. I approve of this caution: one man's revelation is indeed another man's lunacy. Better, then, to stick with established history, and especially with Scripture, the "laboratory notebooks of gifted observers of God's ways with men and women."

In a fairly typical passage, Polkinghorne writes: "I understand revelation not as being propositional knowledge ineffably conveyed, but as the record of the particularly transparent people and events through which God has graciously

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shown forth the divine nature." I find the phrasing here peculiar. You do not have to be an especially gifted observer of God's ways with men and women to notice that he doles out disease, famine, accident, parasites, pain, and death in spades. But the gifted see something different. In particular they see, or saw, events apparently occurring in first-century Palestine (rather than, say, seventh-century Arabia or nineteenth-century Salt Lake City). Who were these "particularly transparent people"? "Transparent" presumably means not so much guileless or gullible, but somehow receptive or tuned in, so as to be the chosen audience for the arrival of divinity on Earth.

But that cannot be right either, since the Jews of first-century Palestine were not particularly receptive to the idea of an incarnation. They may have been waiting for a messiah, but their theological traditions found the idea of an incarnate God blasphemous. That is why, twenty years after the event, Paul had to start proselytizing in Asia Minor and Greece, and even then it was only gradually that he worked up to the idea of Jesus being divine. All went well after that, since pagans were much more receptive to his idea. Indeed, Paul tells us that they were perfectly cheerful about regarding Paul himself and his companion Barnabas as yet more gods. It was much easier to make gods in Thessalonia and Corinth than in Jerusalem.

Historically, this makes things all very messy. It is as if a very gifted orator and politician set about proclaiming the resurrection of Elvis as far as possible from Memphis, in a place prone to accept this sort of thing, and at least twenty years after the historical Elvis, pills and hamburgers and all, left us. A wise strategy, but scarcely a reason for supposing that the people of Memphis are particularly transparent and open to encounters with the divine. Of course, given the background theory—a divine creator who for some reason tends to conceal himself, but then mysteriously decides upon one revelation to one people in one place at one time—he has to choose some people, some place, some time. But that is only given the background theory. If you know in advance that there are to be true reports of flying saucers, you can deduce that the people of New Mexico who make these reports are the favored recipients of alien manifestations; but you cannot argue from the favored transparency of the good folk of New Mexico to the existence of flying saucers. Nor can you argue from the same premise to the wisdom of extraterrestrials in exhibiting themselves in New Mexico rather than, say, in Times Square, where they might have more impact.

In other words, although Polkinghorne is officially using history as evidence for theology, he is actually using theology to determine how to read the history. This is always so. Presumably Polkinghorne does not believe in the Prophet's night flight to Jerusalem, and presumably Osama bin Laden does not believe in Christ's resurrection, but in neither case are their minds made up by historical evidence or scientific thinking.

BUT POLKINGHORNE SEEMS to lack perfect pitch when it comes to historical confirmation. He supposes that the literal truth of the Resurrection is well confirmed by the halting and confused character of the biblical accounts of how and where the dead Jesus appeared, and how difficult it was to be sure it was Him:

> Such a non-triumphalist indication of the problematic character of recognizing the risen Christ, so variously expressed, seems to me much more likely to be the kernel of an historical reminiscence than a feature curiously common to a bunch of made-up tales.

Would that these were the options! Surely any historian, and for that matter any scientist who has made a study of our cognitive functions, and certainly any philosopher, would be a little more sensitive to many other possibilities of explanation. The Gospel writers were neither independent of one another nor witnesses to what they wrote about. Delusions are contagious and emotions are malleable, and they are powerful determinants of belief. Reminiscences themselves are known to be subjects of invention, since memory makes up stories and is itself easily assaulted and manipulated.

Self-deception, in short, is the human lot. And one wonders if Polkinghorne the scientist would take the hesitation and the uncertainty and the lack of agreement that attended certain laboratory observations to be confirmations of their accuracy. It is true that there are occasions when agreement is suspiciously perfect, and many frauds have been detected because of it; but this does not turn a confusion of witnesses into a reliable indicator of anything.

There is also the innocent tactic of taking the very improbability of a historical narrative as a reason for placing confidence in it. What could possibly explain the peoples' acceptance of such wild stories as those of the biblical miracles except

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that they are true? Polkinghorne refers patronizingly to Hume, but he never refers to Hume's quotation from the Cardinal de Retz that there are many things in which the world wishes to be deceived. Nor does he reflect upon another of Hume's maxims: that the wise lend a very academic faith to any report that flatters the passions of the reporter.

III.

POLKINGHORNE BELIEVES THAT the arrival of persons on Earth is "an event of prime significance for the understanding of what is going on.

> Are we to believe that some animals are self-conscious and some are not, and that's that? To take so dismissive and epiphenomenal a view of personhood seems to be tantamount to denying that there are any meaningful events in cosmic history at all. I cannot conceive of an occurrence in the universe's evolutionary development that is more astonishing and fraught with signs of fruitful significance than that it should have become aware of itself through the coming to be of humanity.

This illustrates a pervasive rhetorical device, a tendency to do what Polkinghorne passes for philosophy by posing false contrasts. (The dilemma of immortality or futility was another.) On the one hand, our nature as persons is "fraught with signs of fruitful significance," or some kind of portent for an infinite life to come; or on the other hand we dismiss it, or treat it as "epiphenomenal." Treating something as epiphenomenal means treating it as irrelevant to the way events occur: the whistle on the engine rather than the steam that moves it, in William James's famous example. But nobody in their right mind treats the fact that there are persons around as irrelevant to the way events happen. Our sayings and doings and plans and intentions make things happen, just as our buses and airplanes and bombs make things happen. This does not freight us with fruitful significance. It freights us only with buses, airplanes, and bombs.

Nor would anyone say that some animals are self-conscious and some are not, and that's that. Self-consciousness is connected with a great number of capacities: capacities for planning and forming intentions, for the use of language, for awareness of the gaze of others. We can discern the difference between self and world even in our knowledge of ourselves as animals with a point of view, moving around an independent space. But human self-consciousness is also shown in complex emotions, such as shame or embarrassment. We would certainly like a better understanding of the difference between ourselves as clearly self-conscious and other higher primates as less clearly so, down through the animal world to creatures that exhibit none of the complex signs of it. Many disciplines and many books are devoted to elucidating such an understanding. One of the few things that they agree upon is that it is a dead end to think that mind and body are two different substances, mysteriously connected. It is Cartesian dualism that makes the influence of the mind on the world mysterious, and threatens to treat the mind as epiphenomenal. As Darwin noticed, such a view is refuted every time we blush.

Polkinghorne is not officially a Cartesian dualist. He says he is a monist, or a believer in a single substance, and he refers approvingly to Aristotle's idea that the soul is the form of the body. But he also believes that agency, our ability to make things happen, requires some kind of interruption from outside the physical order into what would otherwise be the causal ordering of events in the universe. Referring to chaos theory, Polkinghorne suggests that it ushers in the right new kind of causal process. Only "an extension of causal principles beyond the energetic exchanges described by a reductionist physics" allows "a genuinely instrumental role for mind, active in the execution of human intentions." Mind can get in and push things about only because things are not really set by physical facts. We can roll up our sleeves and make things happen only because nature is chaotic, "subtle," and "supple." Similarly, God's agency within the world occurs when he gets in among the "cloudy unpredictabilities of created processes." Chaos thus offers a habitat for God's interferences in the physical processes of nature, his loving little buffets nudging it toward fulfillment of the divine plan.

Perhaps it was this idea that earned Polkinghorne his $1 million. But there are scientific problems with it, as he himself admits briefly. The usual interpretations of dynamical systems offered by chaos theory have them perfectly deterministic, but indefinitely sensitive to initial conditions. Chaos introduced no new kinds of causality. And even if some extension of the science were defensible, it leaves the philosophy of mind completely at sea. The whole point of the Aristotelian view is that it is absolutely incompatible with a model in which the mind leaps into what would otherwise be the unfolding of physical systems, pulling levers in just the gaps where physics fails to make things happen. For the Aristotelian, the agent is the animal; and animals do not act in spite of physics, but because of physics. There is no more of a problem about my agency in the world than there is about the fact that my computer's capacities make it show letters as I type them. (Aristotle said that if an eye were an animal, its soul would be sight.) In fact, it is only a Cartesian dualism of mind and body that suggests that there is any problem about reconciling agency and physics.

WHEN SOMEONE USES the argument from design, they are involved with the idea of a self-sufficient "mind," requiring no birth, no sustaining brain, no surroundings, no law-governed physical environment in which to continue to exist. One hypothesis about why people allow themselves such a bizarre idea is the evolutionary one: that we are adapted to look for intentions and purposes whenever we find things around us that we do not understand. But this is surely only a part of the picture. A much more important source is a first-person illusion, and the same one that sustains Polkinghorne's problems with mind and body. When we act and think, we are not conscious of the multitude of causes in the brain or outside it that make our acting and thinking possible. The illusion is to project that lack of awareness onto the universe: to think that instead of being unaware of causes, we are aware that there are no causes. Our own actions and thoughts then become little exemplars of divine self-sufficiency. If we can have minds and make thoughts, just like that, why can't God have a mind and make worlds, just like that?

It is a melancholy thought that so much of mankind's long affair with religion springs from an illusion infecting our conception of mind: the illusion that when we do not know what causes us to act and think, we know that nothing causes us to act and think. But it is only this illusion that sustains the argument from design, and it is only the argument from design that sustains belief in a self-sufficient divine agent. A cloud of religion can be condensed into a drop of philosophy, and we have another exception that Hume needed to admit when he said that, generally speaking, errors in religion are dangerous, but errors in philosophy are merely laughable.

For gods are dangerous things. When the divine architect condescends to reveal himself to an especially transparent people, you would think that He or She or They would take a lot of care over the mes-

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sages the receivers get from Him or Her or Them. Polkinghorne notices that the biblical record does not come out too well on this score: "Inevitably it expresses attitudes (to women, genocide and slavery, for instance) which we cannot endorse today." Inevitably? Could not omnipotence have gotten in among those cloudy chaotic processes with a bit more fine-tuning, and gotten some words down that were a bit clearer and more supportable about women, genocide, and slavery, and all the other things for which people have been beaten and burned and drowned and stoned on biblical authority? But Polkinghorne is calm and unperturbed, because when doing ethics from the Bible "I feel that I can discern a cousinly relationship between myself and many other Christians as we seek to bring modern knowledge and ancient experience together in a consonant combination."

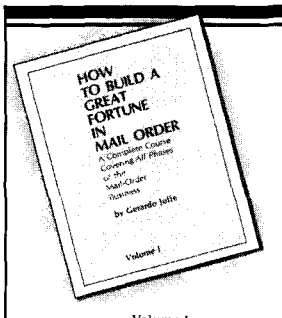
In other words, and thank heavens, we can mix 'n' match. If we do not like bits of Deuteronomy or Leviticus, we may thankfully junk them. If Jesus's view of fig trees and pigs and witchcraft and possession by devils, or his view of Canaanites (or perhaps it was just Canaanite women) as "dogs," no longer appeals to us, then we may tiptoe past. And if Paul's evident belief that the world was about to come to an end impugns his status as recipient of the divine word, we may airbrush it out. In this way we may arrive at "a consonant combination" and a good night's sleep. Meanwhile our cousinly fellow-readers in Rome or Riyadh can enthusiastically help the God of love to persecute those who use contraceptives or like their sex upside down or back to front, before marriage or in a mirror. According to Polkinghorne, this is just the price of complexity and plurality. Whereas the truth is that when you mix 'n' match you only bring back what you already wanted to bring back. Appeals to biblical authority are pure reader responses, hermeneutics run riot, postmodernism in action.

AT PRINCETON, POLKINGHORNE earnestly assures us, he and an "interdisciplinary group of scholars" recently spent three fruitful years making scientific estimates of God's plans for the destiny of the world. According to Polkinghorne and the Princetonians, the last things, when the Day of Judgment comes and the tombs are opened, are a bit like what we have now, but also a bit different: they are an "interplay between continuity and discontinuity." They do not include real Hell. They include only people who have not asked for admission to heaven, and these get some kind of after-life Bible classes. Beyond that, Heaven itself is a bit vague, but it includes pilgrimage and progress and increasing fullness. Heaven does not provide endless harps and psalms; nor, I think, does it afford Aquinas's favored pleasure of watching the tortures of the damned, nor Islam's seventy-two virgins per male martyr. In fact, I could not discover whether it included sex at all, but in their three years of deliberations Polkinghorne's group determined—scientifically, remember—that it may include some animals, especially domestic pets, although perhaps not too many of them, since it is permissible for God to "cull individuals in order to preserve the herd."

In any case, we need not inquire too closely into these details of Polkinghorne and the Princetonians' eschatological calculations, since we are assured in advance that all manner of things shall be well. But why, then, did God not skip the first course, the current Vale of Tears, and go straight to the Fields of Elysium? We are confidently assured that the team's work "clearly establishes the value of the old creation, since it affords the raw material for eschatological transformation into the new creation." Even God, it seems, cannot make an omelet without breaking eggs.

I do not know whether Polkinghorne's position is orthodox; from the outside it strikes me as somewhat blasphemous. I certainly do approve of a comfortable, domestic, friendly afterlife, with not too much wailing and gnashing of teeth, rather like a Cambridge college but even more harmonious. It confirms one's sense that the Church of England is a docile old Labrador, toothless and friendly, and nobody need take much notice of it. When schism erupts and heretics get things wrong, or when agnostics and atheists (such as myself) lock God out, chaps such as Sir John give us a sherry and a biscuit on the lawn, rather than burning, stoning, and crucifying, as their ill-bred cousins love to do.

And yet I did end Polkinghorne's books, with their supreme contempt for philosophical reasoning and historical thinking, in despair about humanity's desperate self-deceptions and vanities and illusions. Everything will be all right in the end, we are washed in the blood of the lamb, we are blessed, and above all God is on our side. Who could dissent? Fantasy beats reason every time. People believe what they want to believe. I do not know how it is at Princeton, but at Cambridge there are eight established chairs in the Faculty of Divinity, but only two in the Faculty of Philosophy. Hallelujah! ■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The Struggle Continues

By JEFFREY HERF

Beyond the Conceivable: Studies on Germany, Nazism, and the Holocaust by Dan Diner

(University of California, 286 pp., $45)

WHAT IS THE connection between the collective memory of Germans and Jews and the epistemology of historical scholarship about the Holocaust? What roles do political history and social history play in this enterprise? Why has there been a trend toward universalizing the causes of the Holocaust in both collective memory and historical method, and what are the arguments for a reassertion of historical specificity? Why do utilitarian and materialist explanations continue to elide the causes of the mass extermination of the Jews? What is the purpose of a historiographically renewed emphasis on contingency as opposed to tidy teleological accounts? These are the questions that Dan Diner addresses in his valuable book; and they are not as esoteric or as narrowly academic as they sound.

Diner is director of the Simon Dubnow Institute for Jewish History and Culture at the University of Leipzig and professor of history at the Hebrew University in Jerusalem. He is a leading intellectual and scholarly figure among the small number of Jews born right after the Holocaust who grew up in West Germany (mostly in Frankfurt) and in Israel and decided to make a life in the Federal Republic. A contemporary of Joschka Fischer and Daniel Cohn-Bendit, Diner came of political age within the New Left of the 1960s, but emerged early on as a distinctive voice for Jewish concerns within that not terribly philo-Semitic movement. In Germany in the mid-1970s, he spearheaded the criticism of West German terrorism and leftist anti-Semitism. In 1993 he published a much discussed—and deeply critical—examination of anti-Americanism, which appeared in this country in 1996 as *America in the Eyes of the Germans*; and in 1999 his *Das Jahrhundert Verstehen*, or *Understanding the Century*, explored Europe in the twentieth century through the lens of ethnic conflict and geopolitics. Though prominent in Germany's public debates over Holocaust memory, Diner is known in this country primarily among historians.

It has become a truism of American intellectual and scholarly life that the presence of persons from a variety of ethnic, gender, and class backgrounds has had a profound impact on the character of American scholarship. This is not to succumb to the essentialist claim that understanding requires membership in particular groups, but to acknowledge that the presence of difference within our intellectual and academic institutions has created a debate and a dialogue that has transformed the way we think about our past and our present. But the context of post-Nazi Germany—and postwar Europe, for that matter—as it concerns the project of facing Nazism and the Holocaust has been quite different. As a consequence of the Holocaust, the same critical mass of Jewish scholars and intellectuals did not exist in postwar West Germany or East Germany. Nor was there anything comparable to the civil rights movement that would transform the thinking of non-Jewish Germans about anti-Semitism and Jews. To the extent to which the particulars of the Jewish catastrophe entered into German scholarship and public discussion, they did so as a result of Allied victory and postwar occupation, revived anti-Nazi traditions among the Germans, and prodding from Israeli, British, and American politicians, scholars, and intellectuals.

Since the 1970s, however, a new factor has entered the German intellectual scene: a successor generation of Jewish intellectuals and scholars born soon after 1945 and raised in the Federal Republic who gained footholds in journalism, politics, and the academy and made their voices heard. It may be a "commonplace," as Diner writes, that we have become sensitive to "the presence of differently positioned collective memories running parallel along differently gauged narrative tracks," but this does not diminish the importance of ascertaining whether there are distinctive forms of "German" and "Jewish" collective memory and examining their respective impact on the historical scholarship written by Jews and non-Jewish Germans, in Germany and elsewhere. In fact, Diner's study of the historiography of Nazism and the Holocaust written in Germany in recent decades has led him to conclude that "Holocaust historiography's linkage between epistemological and existential premises is particularly striking." Most German historians of the Nazi era tend to write with different foci and methods from those of most Jewish historians. There are some exceptions, of course, but the rule, as every graduate student in history learns, is that there is a link between who people are and the kind of history that they write.

SEVERAL OF THESE essays demonstrate Diner's talents as an insightful and shrewd historian able to integrate intellectual history and international history. His work puts one in mind of James Joll and Felix Gilbert. Assessing Karl Haushofer, a German general in World War I and an influential professor of geopolitics afterwards known for his advocacy of Eastern expansion up through the Nazi years, Diner exposes his ethnocentrism, his anti-Semitism, and his apologetics for German continental imperialism as resting on apparently natural laws and biological determinism; and more generally he underscores the primacy of political and ideological motivations over economic motivations in Nazi visions of Eastern Europe. Haushofer, who was close to the Nazi leader Rudolf Hess, is yet another example of a prominent conservative scholar who came of age before 1933 and lent legitimacy to Nazism's ideological brew. He articulated an anti-modernist, agrarian, anti-capitalist, and anti-Semitic mélange that portrayed Hitler's Germany as the antidote to the machine civilizations of the East and West. "Space," especially space in Eastern Europe and the Soviet Union, was the antidote to the overcrowding of urban Jewish civilization and the tentacles of the Western Anglo-Saxon naval powers.

Haushofer presented this mix, in Diner's words, as "an ethnocentric imperialist scientization of international politics." The imperialism of Haushofer's dreams and of Nazi Germany "did not claim legitimacy in *economic* terms—that is, through the abstraction of exchange and the hierarchy of productivity—but in terms of the world's *political* repartition:

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a repartition granting imperial control to a *Grossraum* led by the German Reich. Force alone could execute this project. In the end it mobilized a world coalition against it." Diner's essays on Carl Schmitt, and on the assault of Nazi legal theorists upon the idea of universal legal norms, illustrate the now familiar point that many of the best and the brightest placed their talents in the service of destroying liberal values and liberal institutions. Diner's discussion of Nazi international legal theorists is another sobering reminder of how the attack on the Enlightenment was central to the racial theorizing of the legal profession.

BUT THE CORE of this book lies in the five essays on "perceptions of the Holocaust." Here Diner works through the key issues of Holocaust historiography in the context of postwar West German and then German intellectual life. He begins with an extended essay on the leader of the Frankfurt School, Max Horkheimer, and his efforts to understand anti-Semitism and the mass exterminations. Diner shows understanding for Horkheimer's neglect of the prominence of anti-Semitism in his analyses of Nazism in the 1930s, arguing that the mass annihilation was not foreseeable. Yet he also notes that Horkheimer's tone in his famous essay "The Jews and Europe" is "conspicuously smug ... bordering (clearly against his intent) on satisfaction. The smugness inflects a criticism of the Jews and goes beyond the needs of Horkheimer's analysis, which sets them up as personifications of capitalism." Moreover, he chides Horkheimer for his attack on liberalism, for his assumption that liberalism bears within it the roots of fascism, and for his assertion that the Jews would not be particular victims of Nazism.

Again, Diner is not arguing complacently, with the benefit of hindsight, that Horkheimer and the Frankfurt School of the 1930s should be taken to task for failing to grasp the "civilizational rupture," or for not seeing "fascism in Germany in the 1930s as what it turned out to be: Nazism on the road to Auschwitz." Diner prefers to stress instead the drawbacks of historical teleology and the need to grasp historical contingency. There is wisdom in this. And yet it is worth remarking also that the historiographical picture is more complicated. After all, there were others, not burdened with the "sophistication" of social theory, who did not succumb to the widespread underestimation of Hitler and his goals.

Diner then turns to the rather different analysis of the dialectic of Western reason that Horkheimer presented with Theodor Adorno in *Dialectic of Enlightenment* in 1947. There the critical theorists viewed anti-Semitism not in the orthodox Marxist manner, as a utilitarian tool of class domination, but instead as a "projection" to the point of paranoia of bourgeois self-hatred. Diner underscores the degree to which Horkheimer and Adorno departed from the economism and the utilitarianism of the 1930s and instead pointed out "the stubborn persistence of myths," such as that of the international Jewish conspiracy, which "recur as secularized, rationalized idiosyncrasy whose origins lie in the relationship of the Christian religion to the Jews." Diner reminds us that in this now-classic account of modern anti-Semitism, the authors stressed that "the anti-Judaic effect of Christianity, the resentment against the Jews from which the religion draws its inspiration, was also preserved. While it found expression in political form, its psychic energies continued to receive nurture from an older source."

DINER'S ESSAY, ORIGINALLY published in 1984, evokes its contemporary context. Just as Horkheimer and Adorno shifted after the Holocaust from the Marxist orthodoxies of the 1930s to critical reflections on the dialectic of enlightenment and the after-effects of Christian hostility to the Jews, so Diner in the 1980s articulated his own evolution away from the neo-Marxism of the New Left to an evolving liberalism of the 1980s and 1990s. Diner, whose parents survived Auschwitz, quotes Horkheimer's aphorism "After Auschwitz": "We Jewish intellectuals who escaped death by torture under Hitler have only one task: to help see to it that such horrors never recur and are never forgotten, in solidarity with those who died under unspeakable torments. Our thought, our work belongs to them; that we escaped by accident should make our solidarity with them not doubtful but more certain. Whatever we experience must stand under the sign of the horrors intended for us as for them. Their death is the truth of our life; to express their despair and their longing, we are there." Diner's work illustrates that Horkheimer's credo of memory's claims on intellectuals of his terrible time also inspired the work of the successor generation.

Diner returns to the theme of the anti-utilitarian nature of Nazi ideology and policy in his title essay, "Beyond the Conceivable: The Judenrat as Borderline Experience." While the leaders of the Jewish councils sought to appeal to the "amoral interests" of the Nazis in using Jewish labor in war production, the SS placed "the extermination of the Jews above all economic interests and the war's demands." Works ranging from Hannah Arendt's *The Origins of Totalitarianism* to Lucy Dawidowicz's *The War Against the Jews, 1933-1945* have made this a familiar point in the historiography of Nazism, World War II, and the Holocaust. But Diner is not simply repeating a platitude. Again, the context of his interpretation contributes to its force. Just as Arendt's and Dawidowicz's focus on the anti-utilitarian character of Nazism struck dissonant notes in the 1950s and 1970s, so Diner's reminder of Nazism's ideological imperatives takes issue with a return of materialist, utilitarian, and rationalist biases in social theory and history in recent decades.

Diner's sharpest criticism of the after-effects of the utilitarian and materialist bias in Holocaust historiography appears in an extended essay on the work of the German historians Götz Aly and Susanne Heim. In 1991, Aly and Heim published *Vordenker der Vernichtung: Auschwitz und die deutschen Pläne für eine neue europäische Ordnung*, or *Planners of Destruction: Auschwitz and the German Plans for a New European Order.* Based on the examination of newly discovered planning documents of mid-level officials in the Reich Security Main Office, they argued that a re-ordering of European populations that entailed the murder of millions was driven by economic and demographic reasons rather than anti-Semitic ones. They interpreted the Final Solution as the grotesque outcome of the instrumental rationality that the Frankfurt School had described and denounced,

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with the difference that they described a much weakened connection to the Jews as target. The reception of Aly and Heim's work testified to the enduring after-effects of the Marxism of the 1960s, especially in West Berlin, where they lived and worked.

The implication of the work of Aly and Heim, as well as that of the sociologist Zygmunt Baumann, was that the Holocaust was the product of modernity more than of the contingencies of German history and European anti-Semitism. Shrewdly if infelicitously, Diner rejects this view, which "epistemically levels out social and political phenomena preceding and following the rise of Nazism—flattening these phenomena in their relevance to the central phenomenon they frame. What is ultimately at stake here is not a fuller understanding of the Final Solution. Rather it *instrumentalizes* the event and conscripts it in service of a drastic civilization critique: a dogmatic rejection of what Heim and Aly conceive of as modernity and rationality." Just as Arendt in 1950 criticized the utilitarian and rationalist bias of her time, so Diner takes Aly and Heim to task for their effort to find the roots of mass extermination in "rational" and "economic" motives administered by a "modernizing" technocratic elite re-ordering of the demography of Central and Eastern Europe. As he puts it, for these authors, "in quasi-magical fashion, the more materialist a motive claims to be, the more credible its stated significance."

It was an odd battle to have to fight in the 1990s. In 1968, Timothy Mason, the British Marxist historian of Nazi Germany, published what became a classic essay on "the primacy of politics" in Nazi Germany. Mason posed the dilemma for Marxist historiography of how to account for a regime that departed murderously and wildly from the kind of rationality that a Marxist would expect from a capitalist class pursuing its interest. Avram Barkai, Peter Hayes, Harold James, and Richard Overy are among the economic historians who, while cataloging the disgrace of complicity by German business, also stress the extent to which the imperatives of racial ideology interacted with and then overrode capitalist logic as determinants of government policy. In Germany in the 1990s, however, "the vague and overgeneralizing critique of modernity" remained a fashion in the culturally pessimistic left. Diner adds that this focus on the supposedly enduring logic of capitalism fosters a "detemporalization," that is, a departure from Nazism's place in time.

One of the most intriguing elements of Diner's book is the manner in which he mobilizes the notion of historical specificity against a "leftist" analysis of the past. In the grand days of modernist politics, roughly from the middle of the nineteenth century to the middle of the twentieth century, people in politics and scholarship had a workable and shared understanding of left and right. On the one hand there were the great "bourgeois ideologists," such as Thomas Hobbes and Adam Smith, who, according to Karl Marx, Karl Korsch, George Lukacs, and Simone de Beauvoir among others, violated the norms of historical specificity. They did so by presenting historically contingent circumstances of class, gender, and market as the products of historically unchanging forces, most often human nature. On the other hand, the modernist leftist critics argued that under capitalism racial or gender hierarchies were historically specific and thus potentially transient forms of social organization. The restoration of historical specificity thus stood at the core of a criticism of the "second nature" and "reification" that surrounded historical structures in a fog of permanence.

In the context of modern German history and social theory, those who most often denied human agency, and replaced proper nouns with references to historically unspecific processes, were the luminaries of the conservative—and in some cases the Nazi—intellectual pantheon, a point that Diner makes in his discussion of Haushofer and Nazi legal theorists. In post-Nazi Germany, the Heideggerian era in social theory enjoyed a modest boost in no small degree because it could combine apparent profundity with an appealing apologia that it was modernity, or capitalism, or the West, or the Enlightenment, but not specifically Germany and the Germans, that had to be held to account and transformed. The burden of German history thus became the anguish of the modern world in general. The Communists had a leftist version of this story, and its influence was enormous and often state-sponsored. It was the familiar tale: universal capitalism had a particularly bad chapter in Nazi Germany but was now happily past in the Soviet bloc. From a variety of sources, the roots of the Holocaust no longer seemed to be found in German history. Instead they were to be sought in the historically unspecific mists that the tradition of the left had previously criticized as bourgeois mystification.

In the 1980s in West Germany, to the distress of those who had assumed that grasping historical specificity remained a pre-eminent task of the historian, the old conservative universalization of Nazism began to merge with the new leftist variant to produce a terrible strategy of avoidance. Diner's essays remind us that the best minds are often those that are hardest to categorize, those that defy the familiar dichotomies of left and right. The irony of Diner's criticism lies in his deployment of the notion of historical specificity to

Maytime

That Maytime is the single biggest time
for water come crashing in, that leaves are beads

then twisted knives, a man as if lime-treated
in belly in shark in skin so folded bones,

is not much proof, if then or now, that we
have made our mark on dirt and flesh or swim;

and thus I sit on sand, beached among the plums
that shed their silk-thin ivory coins to fray

from salt and grit suspended in expensed
reneging waves, May's grim prospect that it's

inside a thing divided by hands, pulled grain
from grain; and leaves are cheap and wondrous

machines for trading me and sun to yet
more leaves; that the scars I make on sand and plum

bleed sand and plum, please, sit with me and wait
with back to the beating water's creatures, face

to the land's eaten face that we can see a man
ground down, not much, ash-pollen in the mouth of sea.

Karen L. Anderson

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assail contemporary materialists for lifting Nazi Germany out of its time and its place. "Aly and Heim adopt the stance of marginalized outsiders," he writes, "but, deplorably enough, actually represent a trend increasingly gaining acceptance—the deconstruction of the historical event by historiographical means."

The significance of Diner's work is owed partly to the experience of the New Left in West Germany on its path toward the kind of liberalism that the readers of this magazine would recognize. Diner's writing displays an intellectual and scholarly trajectory similar to the political odyssey of Joschka Fischer that was so memorably described by Paul Berman in these pages last year; and also to the intellectual and political journeys of many others, including the current minister of justice in Germany, Otto Schilly, as well as Daniel Cohn-Bendit and the writer Peter Schneider. While Diner shares a great deal with these contemporaries, he has led the way in prodding and poking them to grasp the Jewish dimensions of German history and the particularities of the Holocaust, and he has done so in a time and a place in which the Jewish community is small. His work has required both courage and skill.

In an interesting twist, Diner also encourages us to think anew about the political coordinates of social history as opposed to political history. In "Historical Experience and Cognition," he examines how the differing perspectives of perpetrator and victim in historical reconstructions of Nazism and the Holocaust lead to conflicting narratives of "banality" and "monstrosity." He also reverses customary thinking about the relative strengths of social history and political history. Most social historians argue that their focus on the experiences of subordinate groups and classes reverses the elitist condescension and neglect of history's victims that is common, presumably, in political history. But Diner, speaking of the German social history of Nazism produced in recent decades by non-Jewish German historians, sees this approach as "more in harmony with the specific collective experience of the German *Volksgemeinschaft*." By focusing on social and economic phenomena that occurred before and after the mass extermination, social history neutralizes "the human subject's relation to the event—hence its specific political history. Conversely, concentration on the political implications of Nazism as historical rupture leads, again, to a historiography in proximity with the perspective of Nazism's victims."

Social history, in Diner's view, is "submerged in a complex of 'continuities,' and mainly rooted in a subjective experience of normalcy, is . . . in the end, unable to grasp the extreme and exceptional phenomenon of mass extermination." Political history, by contrast, with its focus on the specifics of time and place in exceptional circumstances, is essential for this task. Grasping the "monstrosity" of mass extermination cannot dispense with the political historians' focus on the specifics of decision-making in unique circumstances. For readers familiar with the classic work of German historians such as Karl Bracher and Eberhard Jäckel, not to mention recent American work by Christopher Browning and Richard Breitman among others, the indispensable contribution of political historians to writing the history of Nazism and the Holocaust will hardly come as a shocking revelation. Yet in the context of post-1960s West German and then German scholarship—indeed, in the context of the community of European historians—Diner's defense of political history arrives as a welcome and necessary corrective.

Just as he criticizes the "negative teleology" and the neglect of contingency in the historiography of Nazism and the Holocaust, so Diner takes issue with Zionist formulas that neglect the "cumulative contingencies" that made possible the creation of Israel. In the context of German history, Diner is the disquieting voice recalling the link between collective memory and academic history; but in the Israeli context he defends a perspective of "cumulative contingency" in place of the "negative teleology" of some Zionist narratives. He takes issue with biblically rooted eschatology and instead promotes an Israeli collective memory whose focus on contingency "perceives Jewish statehood as a result of an unanticipated and bitter experience of catastrophe, a kind of Zionized Jewish territorialism," in contrast to "the metaphysical view of history that makes the past horror almost a necessity." Diner speaks up for an approach to Israeli history "devoid of eschatology or telos." In this spirit, he supports Israeli historians and intellectuals who make the settlement of the conflict with the Arabs and the Palestinians a matter of practical compromise and secular politics rather than of competing religious claims.

The sparks that Dan Diner made fly in the 1980s and 1990s not only illuminate and elevate debates among historians and intellectuals about Holocaust historiography or German history. They also offer a refreshing example of a scholar who, faced with pressures of collective memory, has managed to think through the claims of the autonomy of scholarship while remaining engaged in central political disputes of his time. Every intellectual aspires to this goal. Few attain it. ■

CORRESPONDENCE

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farm animals and the majority of animals used in animal testing. One does not need to be an animal-rights activist to realize how deplorable our treatment of animals is and to speak out against it. The most powerful way for Christians and other concerned people to voice this message of compassion is to go vegetarian.

Daniel Elstein
Brooklyn, New York

Continental rift

To the editors:

Peter Beinart's June 10 TRB, "Indian Ink," while criticizing conservatives for their stance on the current crisis in the Indian subcontinent, makes a commendable case for moral absolutism in the conduct of foreign policy. It is, indeed, hard to reconcile the Faustian compulsions that have driven the United States into the netherworld occupied by the Saudi and Pakistani leadership with the oft-proclaimed moral clarity of the Bush administration. Nevertheless, the foregoing aspects do not appear to be the prerogative of the right. *The New York Times*' coverage of the Afghan conflict included several reports of Pakistani sponsorship of Al Qaeda and other terrorists. That, however, did not deter the editors of the *Times* from employing the deplorably contradictory approach of the right that Beinart decries in their editorial of May 29. Incredibly, the *Times* placed Indian Prime Minister Atal Bihari Vajpayee, an elected leader of a nation of one billion people, on the same moral continuum with a dictator whose ethos is an admixture of terror and religious extremism.

Moralism does have a place in foreign policy, and TNR is to be lauded for underscoring that precept. There are elements on the right such as The Cato Institute that have been equally forthright. Terrorists, however, do not make distinctions between right or left. The sooner intellectuals across the political spectrum acknowledge that, the closer we will be toward an enduring legacy for future generations.

Vijay Dandapani
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Targets

TO UNDERSTAND SALAH Shehada—the Hamas leader Israel killed last week in Gaza City alongside 14 civilians—it helps to know something about the man who inspired him and perhaps prefigured his fate. That man was Sheikh Izz al-Din al-Qassam. Born in Syria and ultimately killed by British troops, al-Qassam had founded the menacingly (and suitably) named Black Hand, which specialized in terror against random Jewish farmers and, for that matter, random Arab Christians in Mandate Palestine. Those latter-day jihadists congealed into a force that called itself, after its leader, Ikhwan al-Qassam, or the Al-Qassam Brotherhood, which spearheaded bloody anti-Jewish riots from 1936 to 1939. Fifty years later Shehada revived al-Qassam's memory and launched, within the broader fanatic Muslim religious movement Hamas, something he called the Al-Qassam Brigade. To Shehada one can attribute literally dozens of successful mass atrocities and hundreds of innocent dead. Shehada had been atop Israel's most-wanted list for two years, and Israeli interlocutors had pleaded again and again with Yasir Arafat's men that this master terrorist be arrested—which, of course, he was not. At least eight times the Israelis had aborted operations meant to assassinate him, each time in order not to endanger Palestinian noncombatants. The last aborted attempt occurred the day before Shehada died.

ISRAELIS ARE NOW ENGAGED IN A process of examination and self-recrimination: How could they not have known that a big bomb, however "smart," would cause collateral casualties? And why was Israeli intelligence so wrong in thinking that this operation could be carried out with pinpoint accuracy? I do not know the answers. But I am proud that Israelis pose such painful and perplexing questions to themselves, professionally and communally, and that they insist their government protect them while also protecting—as their military rules command them—adversary civilians, "their lives, bodies, dignity, and property." Many outside Israel, of course, are eagerly asking the same questions about the attack. But too few acknowledge the basic fact that Shehada did not have an idle mind nor idle hands and that every additional hour he lived he was preparing another enormity against innocent life. This is the difference between the Israeli and the Palestinian ways of war. In fact, the Palestinian polity's distinct contribution to world politics—from Arafat almost four decades ago until today, from Munich to the bombing in the old Tel Aviv bus station last week—is the utter routinization of the savage killing of innocents, "the banality of evil" in another era. And Shehada was the ultimate routinizer. He was an exemplar of the Palestinian political tradition, not an exception to it. Which is why he enjoyed so much popular support. The rage in the funeral streets of Gaza would have been just as great had he been the only casualty of the bomb.

"NO HUMAN BEING WITH A PEACE OF mind, consciousness, or emotions could imagine what has happened." These are the words of Arafat. The good news is that slowly the Arabs of Palestine are beginning to grasp what many other Arabs—certainly Egypt's Hosni Mubarak and Jordan's Hashemites—have known for decades: He is a fraud. This dawning is the joint achievement of Ariel Sharon's siege of Arafat in Ramallah and George W. Bush's June 24 Middle East speech, the essence of which was that the United States could not broker a negotiation in which Arafat was a partner. Since the United States is the only conceivable interlocutor in whatever will become of the expired peace process, the president's estimation of Arafat's reliability has serious implications. Of course, the utterly irrelevant Europeans, having proved unable over the years to procure a single enduring concession from the Palestinians, cling to their old position: Arafat, Arafat, Arafat. And in the last few days these European governments, along with the predictable Kofi Annan, have once again lockstepped into nearly hysterical criticism of Israel for the Gaza bombing.

IN FACT, JUST ABOUT EVERYONE whose diplomatic vocation is the tormenting of Israel has been heard from. The deputy foreign minister of Russia, Alex Sultanov, cooling his heels before meeting Bashar Assad in Damascus, announced that the Kremlin "condemns the assassination of innocent people," which Israel's Gaza operation, even at the very worst, was not. Javier Solana, the Spanish holder of the European Union's Foreign Affairs portfolio, announced that he "strongly condemn[s] ... the extra-judicial killing operation" against Shehada, as if Israel—in the midst of a war for its survival—should have read him his Miranda rights and then indicted him. The Swedes called it a "crime against international law." And the United Nations secretary-general, who has shilled for Arafat continuously, sternly reminded Israel of its "legal and moral responsibility to take all measures to avoid the loss of innocent life (which) it clearly failed to do." I'm still waiting for him to admit there was not a massacre in Jenin.

READING *THE NEW YORK TIMES*, YOU would have thought President Bush "denounced" the Gaza City air strike as well. In truth, George W. said nothing—a distancing of the presidential persona from the administration's distancing from Israel. The administration's position was delivered by Ari Fleischer, and the words he used in criticizing Israel were—and not only in comparison with the sharp verbiage of the above-cited diplomatic players—hardly criticisms at all. All Fleischer said was that "this heavy-handed action does not contribute to peace." If only the *Times* headline and lead paragraph had been so restrained.

IT IS TRUE THAT FLEISCHER TRIED TO draw a distinction between civilian casualties in the American-led war in Afghanistan and Israel's bombing in Gaza. But, alas, this comparison does not redound in favor of the United States. A report in the July 21 *Times* states that the "American air campaign in Afghanistan, based on a high-tech, out-of-harm's-way strategy, has produced a pattern of mistakes that have killed hundreds of Afghan civilians." One such mistake was the November U.S. bombing of a mosque, in which 65 noncombatants were killed. The *Times* goes on, "[T]he evidence suggests that many civilians have been killed by air strikes hitting precisely the target they were aimed at ... or because ... Americans did not carefully differentiate between civilians and military targets." If true, this is more than carelessness. But let me pose a question: If we knew Mullah Omar and his men were riding in a convoy with women and children, would we refrain from bombing, even though noncombatants might be killed? I doubt it. And Mullah Omar does not really endanger the lives of American civilians. The same, sadly, could not have been said of the recently deceased Salah Shehada and the lives of Israeli civilians.

MARTIN PERETZ

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KEITH JONES: FATHER OF 2, GUARDIAN OF 300,000.

When Keith Jones started working part-time at UPS, he was a college student who dreamed of becoming a high-school guidance counselor. But pretty soon, his work ethic led to bigger opportunities. Keith got a chance to run a UPS distribution center. Then he opened a UPS facility in Hong Kong. And today, as Director of Corporate Health and Safety, he watches over 300,000 UPS employees. So, in a way, he got to be a guidance counselor after all. He just never dreamed he'd have so many to care for.

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